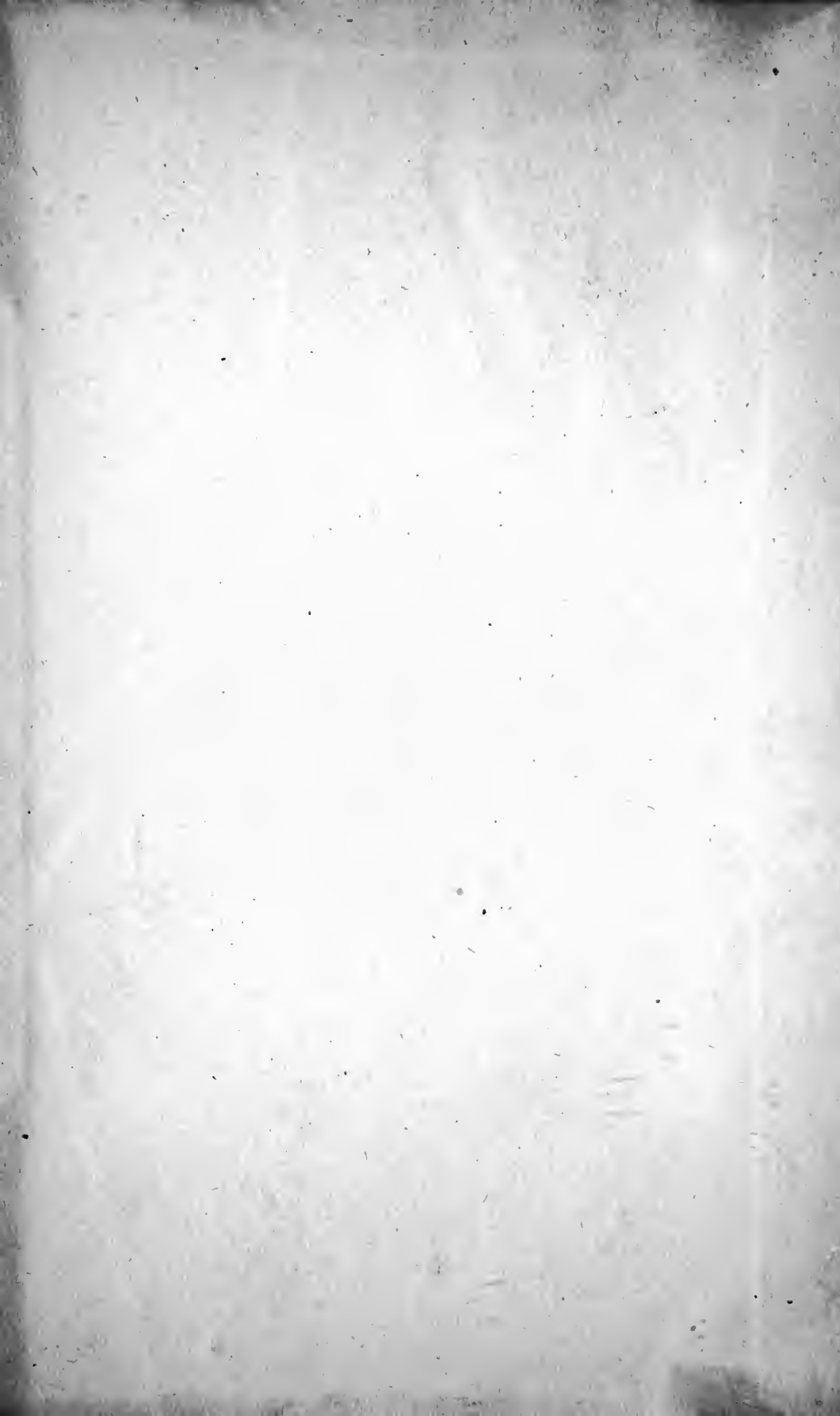


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THE ENGLISH HISTORICAL REVIEW

EDITED BY

REGINALD L. POOLE, M.A., LL.D., LITT.D.

KEEPER OF THE ARCHIVES OF THE UNIVERSITY OF OXFORD
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THE ENGLISH HISTORICAL REVIEW

NO. CXXI.—JANUARY 1916 *

The See of Maurienne and the Valley of Susa

I

THE history of the connexion between Maurienne and the valley of Susa is a good illustration of the tenacity with which the rulers north or west of the Alps endeavoured to maintain an outlet on the Italian side. And as ecclesiastical and civil boundaries in early times usually coincided, the history of the eastern limits of the diocese of St. John of Maurienne throws light also upon the history of that part of Burgundy which became in course of time the county of Savoy. Its investigation, however, is complicated by the fact that a large number of the documents upon which reliance has been placed are certainly spurious; and no single writer on the subject, so far as I am aware, has been on his guard against all the forged evidence that has accumulated round it. The influence of the fabrications of the church of Vienne has not been finally extirpated; the forged charter of King Boso (887) is still appealed to as an authority;¹ and the spuriousness of the diploma of the Emperor Conrad II (1038) has not yet everywhere been recognized.

In Roman times Maurienne and Susa, at the opposite ends of the pass of Mont Cenis, formed a single administrative unit, that of the Cottian Alps; and Susa, the residence of the prefect, was the chief town.² When, however, about 574 the Lombards ceded Susa to the Merovingian king Guntchramn, the whole district became Burgundian. This transference of government was accompanied by an ecclesiastical change, and the territory which had

¹ Duchesne, *Fastes épiscopaux de l'ancienne Gaule*, i. 242, 2nd ed., 1907.

² Gregory of Tours mentions that in 574 a 'magister militum a parte imperatoris in hac urbe residerit': *Hist. Franc.* iv. 44. Cf. A. Gros, in *Travaux de la Société d'histoire et d'archéologie de Maurienne*, 2nd ser., iv. 2 (1908), p. 290.

been dependent upon the see of Turin was made into a new diocese with a bishopric at St. John of Maurienne. The date of the foundation of the bishopric cannot be exactly fixed. Gregory of Tours appears to have been ignorant of its existence; for he tells us how a woman going forth (on a pilgrimage) from the city (*urbs*) of Maurienne obtained a thumb of St. John the Baptist, and how afterwards Rufus, bishop of Turin, *quia locus ille Mauriennensis ad Taurinensem quondam urbem pertenebat*, was urged without success to make a claim on the relic.³ Rufus, bishop of Turin, is otherwise unknown; but we must infer from the narrative that Maurienne had a church, though it may be too much to infer from the word *urbs* in the opening sentence that it had a bishop. The earliest evidence for the see is found in two letters of Gregory the Great written probably in July 599. In one of these, addressed to Bishop Syagrius of Autun,⁴ he made mention of the loss which Ursicinus, bishop of Turin, had suffered *in parochiis suis* lying within the Frankish borders and stated that another bishop had been set up there.⁵ The second, dealing with the same matter, is addressed to Kings Theodebert and Theoderic.⁶ In both the pope desired that reparation should be made to Ursicinus. Nevertheless the new see continued undisturbed, but its ecclesiastical relations were not determined for a very long time.

In order to understand the subsequent history we must go back more than a century, to the time when Leo the Great in 450 attempted to settle an old dispute as to the respective jurisdictions of the metropolitan sees of Arles and Vienne.⁷ Leo assigned to the latter the four bishoprics of Valence, Grenoble, Geneva, and Tarentaise;⁸ and in 513 the decree was confirmed by Symmachus.⁹ Notwithstanding this, in 517 Bishop Avitus of Vienne summoned to his council at Épaone a number of other bishops as well. A few years later a change in the political boundaries deprived Vienne of all the southern dioceses, and in 523 its province included only Die and Viviers besides the four authorized by Popes Leo and Symmachus; in other words, the province of

³ *Liber in Gloria Martyrum*, xiii, ed. B. Krusch, 1885 [xiv, ed. Ruinart].

⁴ Epist. ix. 214 [115], ed. L. M. Hartmann, 1899.

⁵ The argument of Luigi Cibrario, in the *Memorie della Reale Accademia delle Scienze di Torino (Scienze Mor., Stor., e Filolog.)*, ser. ii, tom. viii (1846), 2-6, that the pope's protest did not relate to Maurienne itself but only to the Italian valleys of Susa and Lanzo, will not bear examination. Cf. F. Savio, *Gli antichi Vescovi d'Italia, Il Piemonte*, pp. 225-8 (Turin, 1898).

⁶ Epist. ix. 226 [116].

⁷ Compare for the following W. Gundlach's paper in the *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde*, xiv (1889), 330 ff.

⁸ Epist. lxxvi. 2, ed. Ballerini, in Migne's reprint (Epist. Arelat. xiii, in *Monum. Germ. hist., Epist.* iii (1892), 21) [Jaffé, *Reg.* no. 450].

⁹ Epist. xiv. 2, in Thiel, *Epist. Roman. Pontif. genuinae*, i (1868), 723 (Epist. Arelat. xxv, p. 36) [Jaffé, no. 765].

Arles recovered an extension corresponding with the Roman Provincia as it was before its annexation to the Frankish kingdom.¹⁰ When, however, the question of the limits of the two provinces was raised at the council of Frankfort in 794,¹¹ the letters of Leo and Symmachus with others were read, and Vienne was thus once more declared to possess four suffragans; Die and Viviers passed again to Arles. It was a matter, we should observe, solely between Arles and Vienne, and the evidence produced related strictly to the old controversy.¹² But a new subject of contention arose with respect to the claims raised by Tarentaise, Embrun, and Aix, which aspired to metropolitical rank. Of these we are only concerned with Tarentaise, which was one of the suffragans assigned to Vienne. It seems that the council had before it a copy of the *Notitia Galliarum*, originally drawn up about 400, in which Tarentaise and Sion were ranged outside the Viennensis, in the province of Alpes Graiae et Poeninae.¹³ The matter was referred to Rome, and Tarentaise apparently secured the position at which it aimed, for it is mentioned as a *metropolis* in the will of Charles the Great.¹⁴ In 867 Nicholas I, while declaring the bishop to be subject to the primate of Vienne, allowed him jurisdiction over three dioceses.¹⁵ The names of these three are not given; they were Maurienne,¹⁶ Aosta, and Sion. In 878 Maurienne was definitely recognized by John VIII as suffragan to Tarentaise.¹⁷

The bull of Nicholas I is generally understood to have directed a return to the arrangement laid down by Leo the Great,¹⁸ but the provisions added with reference to Tarentaise appear to stand in unmistakable connexion with a text of the *Notitia Galliarum*, which has been further modified so as to rank the four sees of Tarentaise, Sion, Maurienne, and Aosta, as distinct from, and at the same time dependent upon, Vienne: *huic [provinciae Viennensi] sociata extitit provincia Alpium Graiarum et Penninarum*.¹⁹

¹⁰ Duchesne, i. 135 ff.

¹¹ Concil. Francof. c. viii (*Monum. Germ. hist., Concil.*, ii (1904), 187).

¹² Maurienne therefore, it may be presumed, was not under discussion.

¹³ Duchesne, i. 80; Mommsen, *Chron. min.* (*Monum. Germ. hist.*), i (1892), 598 f.

¹⁴ Einhard, *Vita Karoli*, xxxiii.

¹⁵ Epist. cliii, *Monum. Germ. hist., Epist.* vi (1912), 668 [Jaffé, no. 2876].

¹⁶ In the *Neues Archiv*, xv (1890), 63 n., Gundlach says, 'Maurienne war nachweislich noch zu Nicolaus' I. Zeit der Viennener Kirche nicht unterworfen.' This is not true: it was subject, though not immediately.

¹⁷ Epist. cxvii, *Monum. Germ. hist., Epist.* vii (1912), 107 [Jaffé, no. 3150].

¹⁸ Duchesne, i. 213.

¹⁹ The sentence appears as a marginal insertion in a text of the *Notitia* added in a later hand in the Phillipps MS. 1745 (now at Berlin), which is of the eighth century: see Mommsen, *Chron. min.* (*Monum. Germ. hist.*), i (1891-2), 580, 582. In the Paris MS., Lat. 1452, which is a copy of it, the words are, *Ad quam etiam provincia Alpium Graiarum et Penninarum pertinet*: *ibid.* pp. 580, 599. Monsignor Duchesne, p. 214, prints the text of the latter more clearly than Mommsen.

For this reason it seems to me that the commencement of the first productive era—the manufacturing age—in the chancery of Vienne has been placed rather too late. Instead of being between 878 and 885,²⁰ the date should be a little before 867. The archbishops were resolved to establish their superiority to Arles, and incidentally to consolidate their jurisdiction in the eastern regions. They began by redacting the *Notitia*. The manuscript in which the sentence quoted occurs²¹ contains Pope Hadrian's collection of canons written in the ninth century. At least as early as 869 it belonged to the church of Vienne; not long after 915 it passed to Le-Puy-en-Velay in the time of Bishop Adalard, who occupied the see from 915 to 926; and before it left Vienne it received some additions.²²

One of these new elements, which was inserted not earlier than 907 but before 15 January 915,²³ contained a narrative of the foundation of the see of Maurienne, in which the account given by Gregory of Tours was revised in such a manner as to show that that see was already in his time in the province of Vienne. This narrative is known as the *Auctoritas Moriensis*.²⁴ It tells how a woman named Tigris, *ex territorio Mauriginense orta*, discovered certain relics of St. John the Baptist in the East, and resolved to erect a church in his honour at Morienna. King Guntchramn then sent men to build the church and ordered the bishop of Vienne, *ad cuius diocesim pertinebat locus*, to consecrate it. This story combines the narrative of Gregory of Tours with a notice about St. John the Baptist taken from the Chronicle of Ado of Vienne,²⁵ and it makes several additions. First, it gives the name of the woman who brought the relics; and it is, as M. de Manteyer remarks,²⁶ hardly an accident that Tigris was a lady who effected an exchange of property with the bishop of Vienne in 910 (or perhaps 900).²⁷ Secondly, it makes the specific statement that

²⁰ Georges de Manteyer, *La Provence du premier au douzième siècle*, 1908, p. 82.

²¹ *Bibl. Nat.*, MS. Lat. 1452.

²² See Manteyer, pp. 487–98.

²³ *Ibid.* p. 495. According to L. Cibrario and D. C. Promis, *Documenti, Sigilli e Monete*, Turin, 1835, pp. 323 f., a copy of the *Auctoritas*, written in the tenth century, is preserved in the bishop's archives at Maurienne: it is there preceded by a fragment entitled *carta de Maurienna et de Seusia*, which is substantially an abstract of those parts of it which describe the foundation of Maurienne, the annexation to it of Susa, and the subjection of the territory *ad ius Viennensis ecclesiae sicut in eiusdem auctoritatis scr[i]pto legitur*. It is also printed by Cardinal Billiet, *Chartes du Diocèse de Maurienne* (Chambéry, 1861), no. 2, pp. 7 ff. Cf. C. Troya, *Cod. dipl. Longobard.*, Naples, 1845, p. 39. Gundlach's suggestion (*Neues Archiv*, xv. 63 n.) that the *Auctoritas* was composed towards the end of the eleventh century is on all grounds excluded.

²⁴ It has been frequently printed: e.g. in the appendix to Ruinart's edition of Gregory of Tours, p. 1342; in Billiet, pp. 8 f.; in *Gallia Christiana*, xvi (1865), 613 f.; and by B. Krusch, *Passiones Vitaeque Sanctorum Aevi Merovingici (Monum. Germ. hist.)*, 1896, pp. 533 f.

²⁵ Migne, cxliii. 103.

²⁶ pp. 497 f.

²⁷ Monsignor Duchesne, however (p. 240 n.), thinks that it may represent a genuine local tradition.

Maurienne was situate in the diocese of Vienne, whereas Gregory tells the story in relation to Turin.²⁸ And thirdly, it states that King Guntchramn placed the city of Susa with all the inhabitants of the district under the jurisdiction of Maurienne.²⁹ Moreover, it names Ysicius (Hesychius) as bishop of Vienne, though this prelate's successor, Namatius, died in 559. The *Auctoritas* proceeds from the same mint which produced the earlier parts of the *Epistolae Viennenses*. We can trace these forgeries in the time of Otramnus, who was bishop of Vienne from 878 to 885; and they were completed in their first stage under Bishop Alexander, who was chancellor to the Emperor Lewis III about 912.³⁰ Among them is a spurious bull of Sergius III of 18 June 908, which subjects to Vienne not only Maurienne but also Susa and other places on the Italian side of the Alps.³¹ Whether this is derived from the *Auctoritas*, or the *Auctoritas* made use of the bull, is immaterial for the present purpose; but it may be presumed that the bull was fabricated after the pope's death on 23 May 911.

For a century after this the history of the see of Maurienne remains obscure; but in 1037 the influence of the forgeries becomes apparent.³² Gundlach, whose critical work on the *Epistolae Viennenses* is of remarkable value, maintained that the entire series of letters was forged under the direction of Archbishop Guy (1088–1119), afterwards Pope Calixtus II;³³ but we have seen that part of the collection is two centuries earlier. A further interesting trace of the process of manufacture was discovered recently in some notices relative to the archbishops of Vienne written on a blank page of a manuscript Bible now in the town library at Bern.³⁴ This has been minutely examined by M. de Manteyer, who gives reasons for dating the fragment about 1038:³⁵ in any case, there can be little question that it was compiled under Leodegarius, or Leger, who was archbishop from 1030 to 1070; and a remarkable coincidence in a charter relating to St. Barnard of Romans, dated 1068, which speaks of Leger as the sixty-first bishop, makes it probable that the last notices in it were added in that year.³⁶ Very likely it was about the same time that

²⁸ The late M. A. Longnon inadvertently attributed the name 'Tygris' to Gregory and spoke of the mention of Vienne as an 'inexactitude': *La Géographie de la Gaule au sixième siècle*, 1878, pp. 430 f. Both these statements conceal the real issue.

²⁹ 'Ad quam ecclesiam Maurigennensem . . . Seusiam civitatem iamdudum ab Italis acceptam cum omnibus pagensibus ipsius loci subiectam fecit.'

³⁰ Manteyer, p. 82.

³¹ *Monum. Germ. hist., Epist.* iii. 101 [Jaifé, no. 3544].

³² See the charter of Archbishop Leger, in the *Cartulaire de Saint-Barnard-de-Romans*, 2nd ed., 1898, no. 79, pp. 89–94, where the bishops of Tarentaise, Sion, and Maurienne appear among the witnesses. Cf. Manteyer, p. 86.

³³ *Neues Archiv*, xv. 101 f.

³⁴ MS. A. 9, fo. 321 b–323. See Duchesne, i. 163–78.

³⁵ *Bulletin de la Société de Statistique de l'Isère*, 4th ser., vii (1903), 156–73, 188.

³⁶ *Cartul. de Saint-Barnard*, no. 148, p. 171.

a spurious bull of Leo IX was produced, giving Vienne authority over seven provinces of Gaul.³⁷ It may therefore be taken as proved that Gundlach was in error in maintaining that the whole series of Vienne forgeries was due to Archbishop Guy. What he did was to complete the collection, and then in 1119 and 1120, as pope, to confirm all the privileges of Vienne vouched by these documents; so that it was by his action that Die and Viviers were finally detached from Arles, and Maurienne from Tarentaise. Gundlach thought that these last bulls were also spurious; but the originals of them are in fact preserved to this day in the archives at Grenoble.³⁸ Hence, although Archbishop Guy may not have been the actual fabricator of any documents in favour of his church, it was his authority as pope which gave the province of Vienne the extended jurisdiction which it retained until modern times.

II

Hitherto we have considered only the ecclesiastical position of the see of St. John of Maurienne, as presumably separated from the diocese of Turin in the sixth century, subjected in course of time to the archbishop of Tarentaise, and ultimately placed by the help of forged documents in immediate dependence on Vienne. A distinct question is that of the relations of Maurienne towards the city and district of Susa on the Italian side of the Alps. There is no doubt that about the year 574 Susa passed from the Lombard to the Frankish kingdom and became a part of Burgundy. But how far down the valley of Susa the jurisdiction of Maurienne extended is not completely established. When the monastery of Novalesa on the Italian slope of Mont Cenis was founded in 726 by Abbo, son of Felix, a great Burgundian landowner, the grant was made with the consent of the clergy of Maurienne and Susa.³⁹ But in regard to the further parts

³⁷ *Monum. Germ. hist., Epist.* iii. (1892), 102 [Jaffé, no. 4285]; cf. Manteyer, *La Provence*, p. 86.

³⁸ The two privileges, of 28 June 1119 and 25 February 1120, are printed by M. U. Robert, *Le Bullaire de Calixte II*, i. 36 f., 214 f. (1891). They agree word for word, except that the later document omits the grant of rights 'in ecclesia beati Antonii' and adds an exemption from the authority of any legate except a cardinal or one sent *a latere*; it grants the archbishop the same rights over the churches consecrated by him after his election to the papacy as in others; and it forbids laymen to have houses or commit offences within the bounds of a monastery. Gundlach gives only the second bull [Jaffé, no. 6822], from printed sources, *Epistolae*, iii (*Monum. Germ. hist.*), 108 f.: his volume is dated 1892, but the preface 1888. The varieties of reading are few and quite unimportant.

³⁹ The document even speaks of the *ecclesia Mauriennata et Segucina* in the singular: *Monumenta Novaliensia vetustiora*, i. 7 (Turin, 1898). It mentions the 'counsel' of Bishop Walchunus, and if the Novalesa Chronicler be correct (*ibid.* ii (1901), 108, 223) in stating that he was archbishop of Embrun and uncle to Abbo, he may be named simply because he had a proprietary interest in some of the estates granted

of the valley, the rights of Maurienne had to be substantiated by means of forgery. A document was developed out of a probably genuine charter of King Boso, dated in 887, which conferred the village of Hermillon on the church of Maurienne: this modest text was interpolated by a clause declaring the church of St. Mary at Susa with the churches subject to it to be dependent on Maurienne; and mention was made of Asmund, *Secusinae civitatis vel Maurianorum episcopus*, and of his brother Leotman, bishop of Cremona. Why the forger should have given his bishops names which are not known in the sees referred to, or indeed in any other sees of Christendom, it is hard to understand.⁴⁰ Still, the charter, which is inserted at the end of a ninth-century Pontifical of the archbishop of Aix, now preserved at Carpentras,⁴¹ has been often printed,⁴² and until lately never suspected.⁴³

A more elaborate concoction is the Life of St. Tigris or Tigrina, otherwise called St. Thecla, which is printed in the *Acta Sanctorum* under 25 June.⁴⁴ The greater part of this is compounded out of the account of the unnamed *mulier a Maurienna urbe progrediens*, given by Gregory of Tours,⁴⁵ and the more detailed narrative contained in the *Auctoritas Moriensis*, but the particulars are greatly embellished. Some of the changes are significant. We may note that where Gregory says,

Locus ille Mauriennensis ad Taurinensem quondam urbem pertenebat tempore illo quo Rufus erat episcopus,

the biographer writes,

Locus autem Maurianensis ad Viennensem⁴⁶ urbem pertinebat usque ad vallem quae dicitur Cottiana, in qua urbe dominus Rufus, vir religiosus, archiepiscopatus fungebatur officio.

and took a personal share in the foundation of the monastery (see i. 34, 35). But it has also been conjectured that he was bishop of Maurienne. Other sees have been proposed for him: see Count Cipolla's note to i. 7.

⁴⁰ An imaginary Asmund, bishop of Ivrea, has found his way into Ughelli's list (*Italia sacra*, iv. 1066, ed. 1719) from the forged will of Bishop Atto of Vercelli, 945 (Migne, cxxxiv. 894): he does not appear in the genuine will of 948 (*ibid.* pp. 22 ff.). I cannot explain Ughelli's date, 938.

⁴¹ *Catal. des Manuscrits des Bibliothèques publiques*, Départements, Carpentras, i, no. 65, fo. 48 b (1901). Cardinal Billiet states that the document is not to be found in the bishop's archives at Maurienne: *Chartes du Diocèse de Maurienne*, p. 5.

⁴² Thus in the *Recueil des Historiens de la France*, ix. 672.

⁴³ M. Poupardin thinks it was fabricated in the eleventh century: *Le Royaume de Provence* (1901), p. 111, n. 2, and p. 138.

⁴⁴ *Acta Sanctorum*, Jun. v. 73 ff.; where the Life is said to have been transcribed from a 'Gothic' Missal at Maurienne and sent in 1639 by Duverney, a canon of that church, to Ducange, who gave it to Bolland.

⁴⁵ *Liber in Gloria Martyrum*, xiii.

⁴⁶ The Bollandists (p. 75) have changed this word into *Taurinensem*, but left *archiepiscopatus* standing.

After chapter x the writer deserts Gregory and follows the *Auctoritas* in chapter xi. The remaining three chapters are independent both of Gregory and of the *Auctoritas*. In chapter xiii we seem to be reading not a Life but a letter of edification, 'Haec, fratres carissimi, . . . scripsimus'; and chapter xiv contains an account of the saint's death awkwardly patched on. But chapter xii brings in matter which deserves attention.⁴⁷ It contains a record of the boundaries of the diocese of Maurienne, as they were fixed after a dispute between Bishop Leporius and the archbishop of Embrun. Now Leporius of Maurienne was present at the council of Chalon held somewhere between 639 and 654;⁴⁸ but the bishops of Embrun were suffragans of Arles, and made no claim to the rank of metropolitan until the council of Frankfurt in 794.⁴⁹ The delimitation itself, however, seems to be taken from a genuine text. M. de Manteyer thinks that the state of things represented by it agrees with a time subsequent to the will of Abbo of 739, which devised extensive lands to Novalesa,⁵⁰ because that document seems to imply that the territory of Briançon ran as far south as the Queyras valley,⁵¹ whereas the Life places the southern border of the diocese of Maurienne 'uno miliario distante a civitatula nomen sibi impositum Rama', that is La Roche de Rame, near the confluence of the Biaysse with the Durance. As for the later limit of time, the eastern boundary is placed 'in loco qui dicitur Vologia', a considerable distance below Susa; this, in M. de Manteyer's opinion, points to a date before 774, because he holds that the region on the Italian side of Mont Cenis was transferred to the Lombard kingdom after its conquest by Charles the Great.⁵² This, however, cannot be asserted without further inquiry. We shall see that the valley of Susa long continued, at least in its ecclesiastical aspect, a debatable territory.

The contents of the Life of St. Tigris raise a presumption that it was composed at a time when the rights of the primate of Vienne were endangered by a claim from the Italian side of the Alps. Such an occasion has generally been believed to have arisen when Conrad II, by his putative diploma of 1038, handed over the see of Maurienne bodily to Turin; but the document from which this has been inferred is, as will appear immediately,

⁴⁷ Since I wrote this I have found that a variant text of chapters xii and xiii is found without the rest of the Life in a manuscript which Besson found among the bishop's archives at Maurienne. See Troya, *Cod. dipl. Longobard.*, p. 36.

⁴⁸ *Monum. Germ. hist., Concilia*, i (ed. F. Maassen, 1893), 213.

⁴⁹ *Ibid.* ii (1906), 167, c. 8; cf. Duchesne, i. 137.

⁵⁰ *Monum. Novalic.* i. 24.

⁵¹ *La Provence*, pp. 172-81.

⁵² That it was Frankish in 773 is shown by Charles's diploma of 25 March in that year, wherein he speaks of the valley of Susa as 'in regno nostro': *Diplom. Karolin.* (*Monum. Germ. hist.*) i. 107 (1906).

an unquestionable forgery. M. de Manteyer, not being aware of this, maintained that when in 1046 the bishop of Maurienne made a grant to his chapter, this implied a surrender of his newly-acquired rights by the bishop of Turin.⁵³ It was natural therefore that he should argue that the time after 1046 was a likely date for the assertion of the claims of Maurienne, and should connect the composition of the Life of St. Tigris with the activity of Archbishop Leger about 1060. This date, in fact, is perhaps on other grounds the most probable, though one cannot exclude the alternative possibility that the Life was an earlier improved and enlarged version of the *Auctoritas* of 912 which an ingenious redactor tried to amalgamate with the story in Gregory of Tours. A further suggestion was made by Father Fedele Savio⁵⁴ that this supposed restoration of the diocese of Maurienne was obtained at the price of the definitive transfer of the valley of Susa to Turin; and this conjecture was stated as an ascertained fact by M. de Manteyer.⁵⁵ But as the charter of Conrad is certainly forged, we need not speculate on its consequences.

The supposition that after the conquest of Lombardy by Charles the Great the monastery of Novalesa was incorporated in that kingdom and became at the same time dependent upon the see of Turin is based primarily on some lawsuits affecting that house which were heard at Turin or Pavia. The cases are of 827 and 880,⁵⁶ and the earlier of them refers back to an earlier suit (perhaps of 799) before Charles was crowned emperor. They deal with complaints of certain tenants of Novalesa, but these were all resident at Oulx. The records prove that Oulx in the valley of Bardonnèche was subject to the jurisdiction of Turin,⁵⁷ but they say nothing of the ecclesiastical position of Novalesa. Early in the tenth century the monks of Novalesa were driven from their house by the Saracens, who burnt everything in the place,⁵⁸ and they took refuge near the church of St. Andrew in Turin. They then established themselves further east at Brema.⁵⁹ But when after nearly a

⁵³ *Les Origines de la Maison de Savoie en Bourgogne*, in *Mélanges d'Archéologie et d'Histoire*, xix (1899), 402-5. Cf. Besson, *Mémoires pour l'Histoire ecclésiastique des Diocèses de Genève, Tarentaise, Aoste, Maurienne, et du Décanat de Savoie*, ed. Moutiers, 1871, p. 285.

⁵⁴ *Gli antichi Vescovi d'Italia, Il Piemonte*, pp. 231, 233.

⁵⁵ *Ubi supra*, p. 405. In his later work on *La Provence*, p. 182, he considers the valley of Susa to have been taken away from the diocese of Maurienne by Charles the Great.

⁵⁶ *Monum. Novalic.* i. 77-83, 90-4.

⁵⁷ It is too strong to assert with Dr. Bresslau, 'Zum Bezirk der Grafschaft von Turin gehört nun unzweifelhaft auch das Thal von Susa, die *vallis Segusina*': *Jahrbücher Konrads II.*, i. 366 (1879).

⁵⁸ *Chron. Novalic.* iv. 24, in *Monum. Novalic.* ii. 236.

⁵⁹ See the charter of King Hugh, 929, in *Monum. Novalic.* i. 101 ff.

hundred years some of them returned to Novalesa, it does not appear that they looked upon themselves as belonging to Turin.⁶⁰ On the contrary, the claims of Maurienne are at once reasserted. In 1081, in a document which Count Cipolla decided to be undoubtedly genuine, Humbert II of Savoy confirmed to the monastery of Novalesa a number of estates, including the valley of the Cinischia as far as Monpantero to the north-east of Susa.⁶¹ The grant was made with the counsel of the bishop and canons of Maurienne ; so that it is evident that that see did not consider its boundaries to be limited by the Alps. This claim was further extended by Calixtus II on 26 April 1123, when he issued a solemn privilege declaring that Susa, with the exception of the abbey of St. Justus, which was under the immediate jurisdiction of the Roman church, belonged to Maurienne. The confirmation addressed to the bishop of that see runs as follows :

Preposituram preterea Secusiensis ecclesie Beate Marie proprietario iure, atque ipsam civitatem Secusiensem cum omnibus appendiciis suis parochiali iure, tibi ac successoribus tuis et per vos Mauriannensi ecclesie confirmamus, salva dignitate abbacie Sancti Iusti, que sub Romane ecclesie iurisdictione consistit, et salva in omnibus obedientia et subiectione Viennensis ecclesie.⁶²

It may be added that the series of Novalesa documents, though sound in most parts, is not free from the taint of forgery. There are a forged document of Charles the Great (774),⁶³ probably of the thirteenth century, which grants the monastery the third part of the valley of Susa ; another of the Countess Adelaide (1039),⁶⁴ composed in the twelfth century or perhaps a little later ; and in all probability one of Humbert II (1093),⁶⁵ which appears to have been written in connexion with the charter of Adelaide.⁶⁶ But they all seem to have been produced at a date subsequent to the bull of Calixtus II.

III

All the forgeries with which we have dealt—the charter of Boso and the Life of St. Tigris as well as the series which we have mentioned in our first section—were composed in the interest

⁶⁰ They are said to have asked the bishop of Ventimiglia to consecrate their church : *Chron. Novalic.* v. 46, *Monum. Novalic.* ii. 279. The statement that in 1007 Bishop Gezo of Turin made a grant of tithes at Novalesa to S. Michele della Chiusa is known only from contradictory accounts in modern books, and need not be discussed : see Count Cipolla's observations, *ibid.* i. 131 f.

⁶¹ *Ibid.* i. 223 ff.

⁶² Robert, *Le Bullaire de Calixte II*, no. 401, vol. ii, 198 f. ; also in *Hist. Patr. Monum.* i. 751 f. (Turin, 1836). The original is not preserved, and the text is printed from a copy of the sixteenth century.

⁶³ *Monum. Novalic.* i. 57-60.

⁶⁴ i. 177 ff.

⁶⁵ i. 233 ff.

⁶⁶ See Count Cipolla's critical introductions to these three charters.

of the province of Vienne. In course of time they were met by reprisals from the side of Turin. The first example of a document fabricated for this purpose is the diploma of Conrad II of 1038, which conferred the bishopric of Maurienne on the bishop of Turin.⁶⁷ It was exposed by Dr. Bresslau⁶⁸ in 1884, but his argument has not received attention from the scholars who have dealt specially with the relations of Maurienne and Turin. More recently the charter has been brought into connexion with other forgeries, and traced to the hand of an unknown fabricator, probably a priest named Adam, at Turin.⁶⁹ The forgery is an early one, and was very likely made soon after the marriage of Odo of Maurienne with Adelaide, the heiress of Turin, some time between 1051 and 1057;⁷⁰ but the professing original, which has now disappeared, was written, according to the testimony of Bethmann, who examined it, in a hand of the thirteenth century.⁷¹

What actually took place as to the valley of Susa has to be collected from the documents of three religious houses, of Novalesa, of St. Justus at Susa, and of Oulx. Oulx, it may be explained, comes into our discussion because of the claims which it acquired on the church of St. Mary at Susa and which brought it into opposition with Maurienne. As it lay on the road giving access not directly to Mont Cenis but to a pass, Mont Genève, leading into a quite different territory, there is nothing to cause surprise in Turin's securing a hold upon it, though it was necessary to go through Susa in order to reach it. But it is singular that, with the exception of the forged charter of Cunibert, of which we shall speak shortly, no reference to Turin appears in any of the Oulx documents before 1095, and then only in a bull of Urban II, which in its present form is certainly not authentic.⁷² The records of Novalesa form a remarkably fine series, and include few forgeries:⁷³ we have already quoted some evidence from them and shall return to them later on. It is far otherwise with the documents of the other two houses. Of St. Justus we possess seven charters earlier than the middle of the twelfth

⁶⁷ *Monum. Germ. hist., Diplom.* iv (1909), 411 f.

⁶⁸ *Jahrbücher Konrads II.*, ii, 475 f.

⁶⁹ See A. Hessel and H. Wibel, *Ein Turiner Urkundenfälscher des elften Jahrhunderts*, in *Neues Archiv*, xxxii (1907), 359 ff.

⁷⁰ For the date of the marriage see Bresslau, i, 377, and Carutti, *Regesta Comitum Sabaudiae* (1889), pp. 50-3; but it may be a few years earlier. The question is extremely obscure: see Count Cipolla's remarks in the *Bullettino dell' Istituto Storico Italiano*, xviii (1896), 23-32.

⁷¹ See Bresslau, ii, 475.

⁷² G. Collino, *Le Carte della Prevostura d'Oulx* (Pinerolo, 1908), no. xlvi [Jaffé, no. 5556]. The final protocol, however, which presents features incompatible with Urban's date, is not found in the earliest text of the chartulary.

⁷³ See above, p. 10.

century. Four of them are of the eleventh: of these, one, of 1029, is preserved in the original and in two interpolated copies; the second (1033) has been tampered with; the third (1034) is a pure forgery; and the fourth (1037) is a forged original representing a genuine text which has been contaminated. Two of the twelfth-century documents (1134 and 1147) are genuine, but the third (also of 1147) is suspicious.⁷⁴ The charters of Oulx have come down to us in still more unsatisfactory condition. Out of 125 documents earlier than the middle of the twelfth century, only two are preserved in professing originals, and one of these—the charter of Bishop Cunibert—is, as we shall see, a forgery of the most glaring type. All the rest are contained in chartularies of the thirteenth century and later.

To begin with the two originals, the foundation charter of St. Justus was granted by members of the ruling family at Turin, Alric, bishop of Asti, and his brother Odelric, otherwise Maginfred, marquess of Turin, and Bertha his wife, in 1029. The new monastery was given a site and the third part of the city of Susa and of its territory, with the exception of the castle, and the third part of the valley of Susa, ‘que iuris est nostri, tam in montibus quam in planiciebus, sicut detinent montes qui vocati sunt Genevi et Cinisi, usque in territorium et finem de villa que vocatur Vaga’, with other places named.⁷⁵ It is therefore evident that the lords of Turin claimed the whole valleys of Susa and Bardonnèche as far as the passes of Mont Cenis and Mont Genève. The second document is a charter of 1083, whereby the Countess Adelaide, daughter of the above-named Maginfred, and her daughter Agnes, grant to the house of canons of St. Mary at Susa and to that of St. Lawrence at Oulx all the tithes of the city of Susa and of its territory, excepting those of the chapel in the castle.⁷⁶ It is curious that though mention is made of the three persons who founded the monastery of St. Justus, the rights of that monastery are not reserved.

We next come to the forged charter attributed to Bishop Cunibert of Turin, which conferred great privileges on Oulx in 1065.⁷⁷ This charter has been relied on as a leading text by almost every writer on the subject;⁷⁸ but no one who reads the criticism of it made by Count Cipolla in 1899,⁷⁹ or even merely glances at the facsimiles he gives, can for a moment believe

⁷⁴ See Cipolla, in the *Bullettino dell' Istituto Storico Italiano*, xviii. 7–59.

⁷⁵ *Ibid.*, pp. 69 ff.

⁷⁶ Collino, no. xxxvii. As the document is expressly stated to be an original, it must be presumed that the statement that it is written in a hand ‘del sec. XII’ is a misprint.

⁷⁷ *Ibid.* no. xxi.

⁷⁸ Even by M. de Manteyer, *La Provence*, p. 184.

⁷⁹ *Memorie della R. Accademia delle Scienze di Torino (Scienze Morali ecc.)*, ser. ii, 1 (1901), pp. 103–26.

it to be genuine.⁸⁰ It is in fact a prodigious forgery, modelled on a papal bull of the middle of the twelfth century. That it has been so long accepted can only be due to the circumstance that it was known from copies in chartularies, and that no one before Count Cipolla had examined the pretended original.⁸¹ After telling how the religious house at Oulx, which had long been desolate after the persecution of the heathen (evidently the Lombards),⁸² was recently revived, the charter narrates that its provost went to Turin and made his profession to the bishop, and that Cunibert rewarded him by a grant of a long series of churches with all their tithes and other appurtenances. The charter proceeds :

Simili modo subdimus, conferimus, et damus huic sanctissimo loco beati Laurentii de Ultio et fratribus degentibus ibidem presentibus et futuris ecclesiam, plebem, et penitentialem sanctę Marię quę sita est et edificata infra civitatem Secusiam, cum omnibus pertinentiis et possessionibus suis, quę scilicet longeva matrix⁸³ et baptismalis ecclesia quadam prerogativa et excellentia honoris nostram in omnibus quibus licitum est in suo plebanatu et assensu Taurinensis ecclesię vicem gerit episcopalem et antiquitus multo iam tempore gerere consuevit. Quippe tam in urbe nobili Secusia quasi sedes est episcopalis antiqua, cuius plebanatus seu archipresbyteratus a palo Bonitionis ad pontem usque Volvutię fluminis extenditur, et a montium cacuminibus et infra hinc inde longe lateque comprehenditur et terminatur.

This church of St. Mary, with the whole parish of Susa, and a large number of other churches and the tithes of the entire valley of Susa, excepting only one chapel in the town, Cunibert grants to the canons of Oulx. It is possible, as Count Cipolla suggested,⁸⁴ that the charter is developed out of a genuine document. Most of the grants contained in it are supported by other evidence. The passage which is quoted above appears to be the principal interpolation, and this explains the forgery. It not only confers upon Oulx the church of St. Mary at Susa, but

⁸⁰ Signor Collino, who prints the text of the document, no. xxi, does not attempt to defend it.

⁸¹ He describes also a second supposed original, now in private hands, which is drawn on similar lines. This has been cited also by Father Savio, p. 349, n. 1 ; but he does not speak of having seen it.

⁸² Possibly the author of the document took this statement from the *Chronicle of Novalesa*, ii. 14 (*Monum. Novalic.*, ii. 158 f.), which states that in those early days Oulx was subject to Novalesa and explains its name *Plebs Martyrum* from the slaughter of the monks and nuns who sought refuge there 'a paganis Langobardi[s]'. The etymology is fictitious : see Collino, pp. v, vi.

⁸³ So Count Cipolla : Signor Collino has *matrix*.

⁸⁴ pp. 113-18. Count Cipolla points out (pp. 115 f.) that the charter may have been composed between 1147 (Collino, no. cxvii), when such a document is only referred to, and 1149 (no. cxxv), when one is actually produced ; but he inclines to think the forgery is a good deal later. My own suggestion is that it was concocted to make good the defect in the evidence in the former year.

claims for that church a quasi-episcopal position⁸⁵ and defines its jurisdiction as extending over the whole range of the valley of Susa. It was unmistakably composed with the design not only of establishing the position of Oulx with regard to Susa but also of resisting the claim of Maurienne to the Italian district.

IV

The history of these grants, as we read them in the Oulx chartularies, is as follows. In 1042 the Countess Adelaide granted to the church of Turin the church of St. Mary at Susa, with the tithes of the city and of the whole valley of Susa, 'sicuti detinent montes qui nuncupantur Genevus et Ciniso seu mons ille in quo Altareto dicitur',⁸⁶ as well as all the churches, save only the monastery of St. Justus, the chapel in the castle, and the church of St. Anthony.⁸⁷ It is this grant which Cunibert is claimed to have transferred to the house of Oulx. Then in 1083, as we have seen,⁸⁸ the Countess Adelaide confirmed substantially the same possessions to the churches of St. Mary at Susa and of St. Lawrence at Oulx, the former being described as in the hands of the provost of the latter: in other words, St. Mary's was appropriated to Oulx. The transaction, however, was not free from suspicion of simony, and twelve years later, in the spring of 1095, when some important French prelates were passing through Susa on their return from the council of Piacenza, the opportunity was taken to have a suit on the matter solemnly heard. It was charged that Adelaide had received a sum of money for the grant of St. Mary's; evidence was received, and the charge was declared to be without foundation.⁸⁹ No record of the donation itself is preserved, and it is remarkable that, when in 1098 Bishop Guibert of Turin professed to confirm the grants made to Oulx by his predecessor Cunibert, one of the two copies of the document preserved in the chartulary altogether omits the words

⁸⁵ This looks like a retort to the 'Secusinae civitatis vel Maurianorum episcopus' in the forged charter of Boso; see above, p. 7. It may be remarked that Susa was not erected into a bishopric until 1772.

⁸⁶ We may note the use of the same formulary as in the foundation charter of St. Justus, above, p. 12. Whence the particular phrase is derived has not been ascertained: see W. A. B. Coolidge, *Entre Arc et Stura*, pp. 6 f. (extracted from the *Revue Alpine* for November 1908).

⁸⁷ Collino, no. i.

⁸⁸ Above, p. 12. An earlier charter attributed to Adelaide under the date 1057 (Collino, no. vii) confers upon Oulx not only several churches which were not granted to it until a later date, but also the church of St. Justus itself in direct contradiction to the genuine charters of that monastery. I am glad to find that in rejecting it I have the support of Count Cipolla, *Bullettino*, xviii. 8, note. The document, however, has been accepted as the foundation charter of Oulx: see Collino, p. 18, and L. Menabréa, *Des Origines féodales dans les Alpes occidentales* (Turin, 1865), pp. 238 f.

⁸⁹ Collino, no. xlv. The document bears no date, but the names of the prelates are decisive. The accusation was revived in 1149: see no. cxxv.

ecclesiam sancte Marie de Secusia, and in the other the order of the churches named is so deranged as to give the impression that it was sought to disguise an interpolation.⁹⁰ Much later, in 1172, Bishop Milo of Turin declared Adelaide's grant of St. Mary's to have been made *cum spontanea voluntate ac beneplacita permissione maioris Taurinensis ecclesie beati Iohannis Baptiste*,⁹¹ and cited the forged charter of Bishop Cunibert and the confirmations of several popes of which there is no trace elsewhere. We may notice that, though Adelaide's charter of 1083 was drawn up in Turin, no mention is made of any rights of the cathedral church.⁹²

It may be inferred from the legal proceedings of 1095 and from the dubious testimony of the charter of Bishop Guibert that the canons of St. Mary at Susa were not well pleased with their dependence on Oulx. In 1116 an opportunity occurred for settling the question in favour of the latter. Two cardinals in succession passed through Oulx: one of them, we are informed, gave his presence and support to the investiture of the provost of Oulx with the church of Susa by Bishop Mainard of Turin; ⁹³ and the other confirmed to him the grant of that church which the bishop had made (*ecclesiam sancte Marie de Secusia quam . . . Mainardus Taurinensis episcopus ecclesie vestre concessit*),⁹⁴ the terms of the document appearing to indicate that it was a new grant by Bishop Mainard and not a confirmation of existing rights. I do not know how much credit is to be attached to this evidence; for a few years later a record was drawn up at Oulx which states that that church had formerly been despoiled of St. Mary's and had long been restrained by violence from entering again upon its possession. It goes on to say that Calixtus II heard the provost's complaint in the presence of the bishop of Maurienne and enjoined the latter, after taking counsel with his clergy, to restore St. Mary's to Oulx by the 1st of May. The bishop of Maurienne, however, interposed delays, and the provost followed him to Susa and showed him a mandate from the pope requiring him to make restitution within forty days under pain of interdict. The Oulx chartulary contains this mandate, which is dated 28 March 1120.

⁹⁰ Collino, no. lxi, p. 69 and p. 71, n. 19. The document may refer to a lost charter of Cunibert on which the forged charter is partially based.

⁹¹ Collino, no. clxii. This charter cites a number of documents of which there is no evidence elsewhere. See Collino's list on pp. xiii, xiv.

⁹² The only reference to it in any charter bearing her name occurs in a grant of property said to have been made by her in 1075 to the chapel of Revello 'laude quoque et assensu Taurinensis ecclesie'; but the charter was impugned in 1252 on the ground that the copy then produced in a law-suit was interpolated. See Collino, no. xxvii.

⁹³ See the record of the investiture in Collino, no. xcv, p. 97.

⁹⁴ Collino, no. xevi.

Now on that same day Calixtus, who had been at Embrun on 15 March and no doubt stayed at Oulx on his journey into Italy, granted at Asti a privilege, of which the original is preserved, containing an ample confirmation of the possession of Oulx, but saying not a word about Susa.⁹⁵ The mandate to the bishop of Maurienne to which we have just referred is a demonstrable fabrication, composed in order to fill up this gap. In it the pope recites that a complaint had been made by the provost of Oulx in the bishop's presence, and a term until the 1st of May had been prescribed to the provost within which the bishop was to do justice to him: as, however, the bishop had failed to carry out this injunction, the pope commands him to restore the church to the provost, *salva Moriennensis ecclesie iusticia, si qua est*.⁹⁶ The absurdity of granting a term to the complainant is only equalled by the imposition of penalties for not doing what was not required to be done until a month after the date of the mandate. The document is in fact a blundering reproduction of the statements contained in the earlier part of the Oulx record which we have just mentioned. Our rejection of it probably carries with it the mandate of the following December which answers to the latter part of that record.⁹⁷ But it must be said that this second mandate in itself presents no features of incongruity. It is discredited by its juxtaposition in the same chartulary. Both documents bore seals when they were laid before Eugenius III a quarter of a century later;⁹⁸ but this does not prove their genuineness, because it was a common practice to cut off seals from genuine bulls and attach them to forgeries.⁹⁹ We have to choose between two alternatives: either Calixtus II gave his support to Oulx in 1120, or else the charter which he granted to Maurienne in 1123, in which he confirmed to it the church of St. Mary and a great deal more,¹⁰⁰ is a forgery. What we know of the pope's previous activity when he was archbishop of Vienne throws the balance of probability strongly in favour of the document of 1123. This conclusion is supported by the fact that in 1143 Bishop Obert of Turin confirmed the house of Oulx in the possession of its churches, but made no mention of Susa.¹⁰¹

But the canons of Oulx were not to be beaten, and when Eugenius III was on his way northward in the winter of 1146-7 he received a petition from the next bishop of Turin, Charles, in

⁹⁵ Collino, no. ciii.

⁹⁶ Collino, no. civ. It is not, perhaps, irrelevant to observe that this dispute did not necessarily affect the jurisdiction of Maurienne. It was a question not between the sees of Maurienne and Turin, but between the churches of Oulx and Susa. It was perfectly possible for Oulx to possess a church in a different diocese.

⁹⁷ Collino, no. cvi.

⁹⁸ Collino, no. cxvii.

⁹⁹ See my *Lectures on the History of the Papal Chancery* (1915), p. 155.

¹⁰⁰ See above, p. 10.

¹⁰¹ Collino, no. xev.

which he was prayed not to suffer the rights of Oulx to be impaired.¹⁰² The pope heard representatives of the parties, and delivered his decision in a bull dated at Lucca on 9 February 1147. From this document, which we know only from the Oulx chartulary, it appears that the provost brought forward the confirmation by Bishop Guibert of which the text has been tampered with,¹⁰³ the bull of Urban II which is not genuine in the form preserved to us,¹⁰⁴ and the two mandates of Calixtus II, one of which we have seen to be certainly spurious. The evidence produced by the clerks of Susa was no less unsatisfactory. They did not dispute these two mandates, but averred that they had been superseded by the judgement of a commission of four bishops (two of whose names are wrongly given) appointed by Calixtus,¹⁰⁵ which declared St. Mary's independent of Oulx; it was, however, admitted that only two of the four took part in the adjudication. On the other side it was maintained that no sentence had in fact been given, and letters were produced in which one of the commissioners, Peter, archbishop of Vienne, enjoined the clergy of Susa to restore their church to Oulx. Eugenius accepted the evidence given on the part of the petitioners and invested the provost of Oulx with the disputed church. The decision is stated to have been based principally on the two grounds that the clergy of Susa had not put in the alleged sentence and that, even if they had, a sentence delivered by two out of four commissioners was not valid.¹⁰⁶ In the twelfth, as in later centuries, a judgement was often given not on the whole facts of the case but on an irregularity in one of its last stages. But the sentence of Pope Eugenius settled the matter, at least for the time; and it is this, no doubt, which explains the statement of John of Salisbury about the petition made by the bishop of Maurienne at a council held by Eugenius at Cremona in July 1148:

Episcopus Maurianensis adversus Mediolanensem questionem proposuit finium regundorum, rogans ut eum liceret egredi de cavernis montium sicut decessoribus suis antiquitus licitum fuerat.¹⁰⁷

So long as he held jurisdiction over the valley of Susa, it was possible for him to escape from the mountain gorges; but when Susa was confirmed to Turin he was deprived of any outlet. He therefore raised his protest against the metropolitan of Milan.

It was not to be expected that the pope would reverse his sentence of 1147. He had decided that Oulx was in the right, and on 14 May 1148, while he was at Lausanne on his road back to

¹⁰² This document, which the chartulary describes as a 'charter of confirmation', is preserved in very inferior transcripts: Collino, no. cxvi.

¹⁰³ See above, pp. 14 ff.

¹⁰⁴ See above, p. 11.

¹⁰⁵ This mandate is not known to be in existence.

¹⁰⁶ Collino, no. cxvii.

¹⁰⁷ *Historia pontificalis*, xxi (*Monum. Germ. hist.*, xx. 533, 1868).

Italy, he granted a solemn privilege to Oulx in which he assured to it the possession of the church at Susa.¹⁰⁸ After this, it is not easy to understand why he should have thought it necessary to address another letter to Oulx on 15 January 1149, in which he said that, though on the earlier occasion he had been prepared to deliver judgement in favour of Oulx, nevertheless, in the interest of peace he had thought it better to proceed by way of composition (*per concordiam*) and had therefore enjoined the clergy of Susa thenceforward not to disquiet the provost of Oulx, but to assist him faithfully in the administration of the affairs of the church, which engagement they had promised to fulfil.¹⁰⁹ This amicable agreement does not seem consistent with the definitive sentence which Eugenius had pronounced in 1147. Possibly he desired to make his decision less unpalatable to the clergy of Susa by persuading them to bind themselves to a course of action which would facilitate its practical working without compelling them to go into the question of right. He added some words as to the obligations of the provost towards Susa which may have helped to salve the wounds of the defeated party. As a natural sequel to his settlement of the dependence of Susa, when the pope on 9 February 1152 granted a general confirmation of the possessions of the abbey of Breme, he placed Novalesa in the diocese of Turin.¹¹⁰

Reviewing the history of this long course of documents, it appears to me that, while the rights of Maurienne over the valley of Susa from the sixth century onwards may be accepted as authentic, there was a break in its actual possession caused by the incursions of the Arabs in the tenth century. What is known to have happened to Novalesa¹¹¹ must have affected the whole upper region of the valley; and when late in that century it was possible to re-establish the monastery of Novalesa,¹¹² the settlement of the jurisdiction of the whole area must have had to be begun afresh. There was a void to be filled, and it was filled in the first instance by the pious energy of the ruling house at Turin. The question of the ecclesiastical authority was not so much thought of as the need for providing monastic and capitular foundations as religious centres to which the neighbouring churches might be attached. Thus in the eleventh century arose the monastery of St. Justus at Susa and the capitular houses of St. Mary and of Oulx. As the directing force came from Turin, it

¹⁰⁸ Collino, no. cxx. See also the subsequent confirmations by Hadrian IV in 1158 (no. cxxxix), by Alexander III in 1172 (no. clxi), and by Lucius III in 1083 (no. clxxix); and compare the charters of Bishop Charles of Turin in 1165 (no. cxlv), of Bishop Milo in 1172 (no. clxv), and of Bishop James II in 1226 (no. ccliv).

¹⁰⁹ Collino, no. cxxv. ¹¹⁰ *Monum. Novalic.* i. 251 ff. ¹¹¹ *Chron. Novalic.* v. 5.

¹¹² *Monum. Novalic.* i. 111.

was natural that the bishop of that city should be, slowly and by degrees, recognized as the spiritual head of the new group of monasteries. St. Justus's was then exempted from his authority and placed under the immediate jurisdiction of the holy see. At Oulx Turin found no counter-claimant; but at St. Mary's of Susa the bishop of Maurienne, in spite of repeated pressure, steadily refused to abandon his ancient rights, and the canons were reluctant to accept their subjection to Oulx. In 1123, when the influence of Vienne was powerful, the bishop actually obtained a papal confirmation of all that he desired; but in another quarter of a century his hopes were finally dissipated by the sentence of Eugenius III. The extensive and elaborate use of forgery to secure the end aimed at by Turin is a plain testimony to the strength of the legal position of Maurienne.

It may also be observed that the subjection of the church at Susa to Oulx did not of itself involve a transference from the diocese of Maurienne to that of Turin; a church in one diocese was often annexed to a monastery in another. But it is probable that in this instance Maurienne did in fact lose its Italian dependencies. Only six years after the bull of Calixtus II, Bishop Cono of Maurienne, in confirming the possessions of the monastery of Novalesa within his diocese in 1129, included no properties lying eastward of Mont Cenis;¹¹³ and when on 16 October 1184 Lucius III confirmed the bishop of Maurienne in the lands granted to his see by King Guntchramn 'of blessed memory' and enumerated near a score of properties, he likewise said not a word of any situate beyond the pass.¹¹⁴ It was no doubt merely as a brave assertion of claims that had long been obsolete that in 1262 Bishop Anselm marched into the valley of Susa and went as far as the bridge of Valgioje near Avigliana, where he caused a formal record to be made that that bridge formed the boundary of his jurisdiction.¹¹⁵

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¹¹³ *Monum. Novalic.* i. 248 f.

¹¹⁴ Billiet, *Chartes du Diocèse de Maurienne*, no. xx, pp. 32-35.

¹¹⁵ Besson, *Mémoires, preuves*, no. 114; *Hist. patr. Monum.*, Chart. i. 1467. The date has been erroneously given as 1208.

The Office of Sheriff in the Anglo-Saxon Period

THE office of sheriff is the one secular dignity generally known in English-speaking lands which for more than nine centuries has maintained a continuous existence and preserved its distinguishing features. Its constitutional importance is as well recognized as the variety of its functions, and it throws light on the question whether the elements which combined to form the English state of the twelfth century were in origin native or Norman. Yet no systematic attempt has hitherto been made to trace its early development. Kemble's account, which is based mainly on the charters, is brief and contains a good deal of untested surmise. Stubbs made use of other materials as well, but the needs of his work called only for an outline of the subject, and this he borrowed largely from Kemble. The great work of Dr. Liebermann necessarily looks first to the laws, a class of sources which for this particular period contains suggestion rather than definite information. Since the beginning of the present century an entirely new view concerning the origin of the shrievalty has been put forward. The abandonment of the mark theory as an explanation of English institutional origins involved, to be sure, the rejection of the older conception of an elective sheriff ruling over a primitive community.¹ But Mr. Chadwick assails the foundation upon which rests the existence of a *scirgerefa* or shire-reeve from the reign of Ine to that of Athelstan: the shireman of Ine may be regarded as an alderman, but hardly as a sheriff.² Furthermore, the fact that, so far as record goes, the more important type of king's reeve until about the middle of the tenth century occurs in association with a king's *tun* or a burghal district rather than a shire, destroys confidence in the familiar theory of the sheriff's antiquity.³ The fact calls

¹ As held by Kemble, *Saxons in England*, ii. 158. See also Stubbs, *Constitutional History* (6th ed.), i. 126, and preface to *Benedict of Peterborough*, ii, pp. liv, lv.

² Chadwick, *Studies on Anglo-Saxon Institutions* (1905), p. 231, and *passim*. Compare Miss Cam, *Local Government in Francia and England*, p. 40.

³ 'The office of sheriff did not branch off from the rest of the reeves until the tenth century': Liebermann, *The National Assembly in the Anglo-Saxon Period* (1913), p. 36. The burghal area as an administrative unit has not found general acceptance, and the

for some modification of older views concerning the sheriff's functions. It also requires us to examine critically the bearing of the evidence. The king's reeve of the earlier laws may be a prototype of the sheriff but not the sheriff himself. 'Shire-reeve' must not be understood where 'king's reeve' is mentioned, and the laws speak only of the latter. But the laws are of less value for our present purpose than the charters and the scanty monastic records, annals, and miscellaneous works bearing on the subject; and most detailed of all are the Domesday entries concerning the sheriffs of Edward the Confessor. These facts seem to justify a fresh investigation of the subject.

The Anglo-Saxon laws show that the king's *gerefa* or reeve, who was the greatest local official after the alderman, was at different periods placed over territories of varying size and importance. The *gerefa* of Alfred's time presided, like the alderman, in a *gemot*, but a *gemot* which was probably not that of the shire assembly, for the alderman, the chief judicial official of the shire, in many instances could hardly have attended.⁴ Moreover, he was a royal steward and was associated with the king's *tun* by the fact that he fed the king's prisoners there.⁵ According to the laws of Athelstan, however, the king's reeve not only performed fiscal duties, but also had to do with the folkmote in what seems to be a territory laid out round a borough.⁶ A study of the Burghal Hidage has led to the conclusion that from about the time of Alfred the south of England was covered with such districts, the extent of which was reckoned in multiple hundreds of hides of land.⁷ Finally, a famous enactment of the reign of Athelstan, known as the *Iudicia Civitatis Lundonie* and made in what appears to be a local *witan*, designates as a *scir* the district over which the *gerefa* is placed. The name of the territory and some of the functions of its officials are older than this document, for in part it repeats more general legislation of the same reign.⁸ For this district the reeve has apparently been holding a folkmote,⁹ within it he takes pledges for the observance of the

existence of its reeve rests on inference. But, in the writer's opinion, the indications are too strong to be ignored. See note 6.

⁴ Asser, ed. Stevenson, sect. 106. A comparison of Alfred 22, 34 with 37, 37. 1, 38, 38. 1, shows that each official had peculiar functions and that, in the case of the alderman, these were probably exercised in a folkmote as they certainly were by the reeve.

⁵ Alfred, 1. 3. Mr. Chadwick shows reason to believe that before the tenth century a group of royal manors, each group under a reeve, was administered from the king's *tun*: *Studies on Anglo-Saxon Institutions*, pp. 249-58.

⁶ 1 Athelstan, prol. According to 2 Athelstan, 12, it appears that at least one of these reeves is to be classed as the official of a folkmote rather than of a portmote. According to 20. 1. 4, those who are enjoined to ride and enforce ordinary court process and also to execute justice on the thief are the most distinguished men 'who belong to the borough'. Reeves and administration both centre in boroughs.

⁷ Maitland, *Domesday Book and Beyond*, pp. 502-6; Chadwick, pp. 204-8.

⁸ 6 Athelstan, 10.

⁹ 5 Athelstan, 1. 5.

peace,¹⁰ and in the London region its men are to be led by him in pursuit of the thief.¹¹ Some have hesitated to identify this shire with the county,¹² and the fact that the word *scir* was used in several senses¹³ justifies caution. But Mr. H. W. C. Davis has clearly shown that the body responsible for the London enactment contained dignitaries from more than one county.¹⁴ We may be dealing with a shire in the usual sense of the term, and its reeve in any event may be called a shire-reeve or sheriff.¹⁵

When the king's reeve began to administer a shire instead of some other territory and thus, from the later point of view, became a sheriff, it would not appear that he assumed an essentially new character. This probably explains why the laws never distinguish between the *scirgerefa* and any other king's *gerefa*, and why the former title is not to be found in any extant record earlier than the reign of Canute. A supposed charter of Edgar which mentions the shire-reeve dates in its present form only from about the twelfth century.¹⁶ In the absence of direct evidence it is therefore a difficult matter to determine when the king's reeve of the laws first became placed regularly over a shire. But there are some indications which serve roughly to mark the period. One may agree with Mr. Chadwick¹⁷ that the king's

¹⁰ 6 Athelstan, 10.

¹¹ 6 Athelstan, 8. 4.

¹² Chadwick, p. 231, n. 2; Liebermann, *Gesetze*, ii. 649, art. 'Sheriff', 9 a, citing 6 Athelstan, 10.

¹³ Land or territory, Birch, *Chart. Sax.* no. 106; a division of a county in Cornwall and in the north of England, Stubbs, *Constitutional History*, i. 111-12; the charge of the manorial reeve, *Rectitudines Singularum Personarum*, 4, 6, and *Gerefa*, 2 (Liebermann, *Gesetze*, i. 448, 453).

¹⁴ *Ante*, xxviii. 429.

¹⁵ Dr. Liebermann (*Gesetze*, i. 179; cf. 'Sheriffsämter' in 6 Athelstan, 8. 4) identifies the official as a sheriff and his territory as a 'grafschaft', though in his second volume he appears doubtful as to whether the shire in question is a county. See above, note 12.

¹⁶ *Anglo-Saxon Chronicle*, ed. Plummer, i. 116; ii. 156; Birch, *Chart.* no. 1281. The supposed charter of Wulfhere of Mercia (Birch, *Chart.* no. 22; Kemble, *Cod. Dipl.* no. 984) which mentions sheriff's aid is a rank forgery not older than the latter part of the twelfth century. The Anglo-Saxon account of the Council of Bapchild (Birch, *Chart.* no. 94) dates from the eleventh century. (See note 49.) The version of Offa's charter in Heming, *Chartulary*, i. 96, is apparently that of the eleventh century. The supposed charter of Wiglaf of Mercia to Croyland Abbey (Kemble, *Cod. Dipl.* no. 233; Birch, *Chart.* no. 409) names sheriffs who held office in the Norman period. The foundation charter of Ramsey Abbey (Kemble, no. 581; Birch, nos. 1310, 1311) and the charter of Edred to Croyland Abbey (Kemble, no. 420; Birch, no. 872) are further examples of spurious documents which assume the existence of the shrievalty before the year 975.

¹⁷ *Studies on Anglo-Saxon Institutions*, p. 235. In the laws of Edward's reign the king's reeves appear as his most important judicial officials. They enforce folkright, they see that each plea has a term, they give judgement according to the testimony of the witnesses produced (see 1 Edward, prol.; also 2 Edward, 2), and they deal not alone with criminal (see Alfred, 22) but also with civil cases, cases in which is involved right to both bookland and folkland (1 Edward, 2). But each reeve is enjoined to have a *gemot* once in four weeks (2 Edward, 8), a term altogether too short for the regular meeting of the men of the shire in a popular assembly which transacted the volume of business obviously pertaining to this court.

reeve in the time of Edward the Elder could hardly have presided over a shire. The facts brought forward to prove the point certainly corroborate the earlier evidence for Alfred's reign. It should be added, moreover, that, while in the reign of Alfred the centre of financial administration is stated as the king's *tun* and in the reign of Athelstan as the burghal district, the law of Edgar mentions the rights of his kingship, which his father had also possessed, both in borough and shire.¹⁸ This implies that in the reign of Edgar, if not in that of Edmund, the shire was a fiscal district and that a reeve was probably attached to it. The earliest recorded case of the holding of a shireMOTE by an official other than an alderman, a shireman who must be regarded as a reeve,¹⁹ seems to occur in a document dating between the years 964 and 988.²⁰ It may therefore be inferred that the office of sheriff originated in the half-century between the enactment of the laws of Edward the Elder and the death of Edgar. This is the period during which in the south of England administration by burghal areas gives way in legal enactment to that by shires and hundreds. The *gerefa* of Athelstan's *scir* seems actually to mark the transition from the reeve of the burghal district to the sheriff.

The appearance of the office of sheriff seems to coincide with the rise of the police and judicial powers of the hundred. Leaving aside the question of the fiscal significance of the old usage which estimated territories in hundreds of hides of land, it is clear that the break-up of units of police and judicial administration intermediate in size between the hundred and the shire would tend to throw a heavy burden upon the sheriff. The same enactment which first mentions a *gerefa* of a *scir* shows a number of these officials with the bishops about London ordering the formation of groups of a hundred men for the exercise of police functions.²¹ Had the hundred as organized according to the ordinance ascribed to Edgar been already in working order, it would be difficult to discern the need for such legislation. The hundred of Edgar and Canute, moreover, discharged duties, such as the pursuit and trial of thieves,²² which belonged to the *scir* of Athelstan. Again, the taking of *wedds* for the observance of the peace was in Athelstan's time the work of the reeve of the *scir*; ²³ but by Canute's time the maintenance

¹⁸ 4 Edgar, 2 a.

¹⁹ *Infra*, p. 25.

²⁰ Kemble, *Cod. Dipl.* no. 1288. The words *coram scyre hominibus vel aliis iudicibus*, evidently intended by the compiler of the appendix to Alfred and Guthrum's Peace (ch. 1; Liebermann, *Gesetze*, i. 394) as a rendering of Ine, 8, show unfamiliarity with the title *scirman* a little earlier than 960. Dr. Liebermann suggests 940-56 as the date of the document.

²¹ 6 Athelstan, 3, 8. 1.

²² Compare 6 Athelstan, 1. 4, with 3 Edmund, 2, and 1 Edgar, 2 and 5.

²³ 6 Athelstan, 10.

of *borh* for keeping the peace rested with the hundred court,²⁴ and in the twelfth century it was the sheriff who supervised the matter in the same assembly. Moreover, the witnessing of transactions, which was the business of the *gerefa* in the folkmote of the older administrative area,²⁵ belonged by the reign of Edgar to the representatives of the hundred and the wapentake.²⁶ Apparently the sheriff acquired the functions of the reeve of the burghal district and, to lighten the burden, somehow shifted part of it to the hundreds. The fact fits well into the newer theory of the sheriff's origin, and it explains the control which that official in later times exercised over the hundred.

If these views of institutional development be correct, the rise of the sheriff is one phase of an extensive movement in the tenth century making for the centralization of local government. The reign of Athelstan, when the administrative strain incident to rapid territorial expansion seems to have been greatest, is a natural period for such a process. It has been attributed to the grouping of shires in the tenth century under the rule of individual aldermen, a plan presumably necessitated by the ascertained diminution in their number.²⁷ Indeed, Mr. Chadwick has shown that the sheriff is never mentioned so long as each shire has its own alderman.²⁸ It became impossible for the alderman to attend in person to the duties of his office in several shires each of which retained its identity. He required a deputy in the shire, and the officer in the shire next in rank had long been a reeve. But there were other changes. The powers of the alderman were judicial and military, but the possession of these alone would not make the reeve a sheriff. As the burghal areas, which were largely military in character,²⁹ tended to disappear in Wessex after the cessation of the Danish wars in the south of England, the fiscal and police powers of their *gerefan* seem to have been centralized in the hands of the sheriff. At the same time the sheriff's duties were increased by the alderman's frequent absence from the shire. The process is thus accelerated.

The clearly recorded history of the sheriff begins, as we have seen, about the time of Edgar. General provisions in the laws concerning king's reeves at an earlier time may refer to the reeve of a burghal area or a group of royal estates, and at a later time to the reeve of the hundred or wapentake.³⁰ For the known period of the sheriff's existence, then, it is evident that what the

²⁴ See the writer's *Frankpledge System*, p. 26, n. 1.

²⁵ Presumably the burghal district : 2 Athelstan, 10, 12.

²⁶ 4 Edgar, 5, 6.

²⁷ Chadwick, p. 231 ; for the number of aldermen see pp. 172-90.

²⁸ *Ibid.* p. 230.

²⁹ Maitland, *Domesday Book and Beyond*, p. 504.

³⁰ Below, notes 70, 71.

dooms say of *gerefan* in general may often apply to him, though not certainly to him alone. We gather that he was appointed and was removable by the king,³¹ that in some places he proclaimed the *grith*³² and was a guardian of the peace³³ with summary powers of action against offenders and suspects,³⁴ that he took charge of certain court compositions for offences,³⁵ that he was a presiding judicial officer who required admonition to do justice and show mercy,³⁶ and that as the king's fiscal officer³⁷ he needed instructions to collect only what was rightly the king's and serve him with this.³⁸ It cannot be affirmed positively that any *gerefa* mentioned in the laws of the tenth or eleventh century, with the single exception of the reeve mentioned in Athelstan's London enactment, is a sheriff. But it is extremely likely that such were the king's reeve who led the men of the shire in Ethelred's wars,³⁹ and the reeve who sat in judgement with the bishop and thus apparently took the place of the alderman.⁴⁰ The reeves whom Canute bids to give judgement by the shire bishop's witness and to show such mercy as the latter thinks right⁴¹ at first sight seem to be none but sheriffs, yet the famous writ of William the Conqueror which represents the bishop as having in the past held pleas in the hundred⁴² may warn us against presuming an identification which may not be true for all cases.

With the person who in the reign of Ethelred, if not earlier, appears in the alderman's absence as the leading lay official in the shiremote, begins the recorded history of the sheriff as differentiated from that of the king's reeve. About the last decade of the tenth century this official is termed a *gerefa* and also a *scirman*.⁴³ The shireman is mentioned in Kent, and the natural assumption that he is a reeve in charge of the shire in the alder-

³¹ 2 Athelstan, 25; 6 Athelstan, 11; Canute's letter of 1027, sect. 12, in Liebermann, *Gesetze*, i. 277.

³² 3 Ethelred, 1. 1.

³³ 6 Athelstan, 1. 4; 8. 2.

³⁴ 1 Ethelred, 4, 4. 1; 2 Canute, 33, 33. 1.

³⁵ 1 Ethelred, 1. 14.

³⁶ Canute's charter of 1020, sect. 11 (Liebermann, *Gesetze*, i. 274).

³⁷ 8 Ethelred, 32.

³⁸ 2 Canute, 69. 1.

³⁹ *Anglo-Saxon Chronicle*, a. 1001 (Hampshire), a. 1011 (Kent).

⁴⁰ See 3 Edgar, 5. 1, 2.

⁴¹ Canute's charter of 1020, sect. 11 (Liebermann, *Gesetze*, i. 274).

⁴² Ch. 2, Liebermann, *Gesetze*, i. 485; Stubbs, *Select Charters*, 85.

⁴³ Kemble, *Cod. Dipl.* nos. 929, 1288. The mention of a priest who served as *scirman* (no. 1288) does not weaken this conclusion. The ecclesiastical ban upon the holding of reeveships by priests seems to belong to the age of Elfric (Elfric, *Homilies*, Thorpe's edition, i. 339; Pastoral Letter, sect. 49, in Thorpe, *Ancient Laws*, p. 462). The version of Archbishop Egbert's Penitential in Thorpe (iii. 8, p. 374) is not so old as Egbert's time, but may date from the ninth century (see Haddan and Stubbs, *Councils*, iii. 413-16). It provides that ecclesiastics may be especially nominated for such secular duty. The one mentioned in the instance given above acted as *scirman* in the presence of Archbishop Dunstan, so his conduct may be regarded as regular.

man's absence⁴⁴ seems to be confirmed by the identity of *scirman* and *scirgerefa* as established by Kentish documents dating from the reign of Canute.⁴⁵ In the eleventh century his title was rendered by *iudex comitatus*.⁴⁶ By Canute's time there is evidence of the sheriff's activity in several directions. The *gerefa* of the shire of Kent is the fiscal official whom the king forbids to infringe the archbishop's temporalities.⁴⁷ In Heming's narrative the sheriff of this period is mentioned as receiving money in payment of Danegeld, and Ævic, the sheriff of Staffordshire, is accused of having occupied during the struggle between Canute and Edmund Ironside lands of the church of Worcester which long remained in the hands of his successors in office.⁴⁸

Materials to illustrate in detail the general position and activities of the pre-conquest shrievalty exist only for the reign of Edward the Confessor; hence the account which follows must deal almost exclusively with this limited period. The statement that the king appointed the shire-reeves, which has been believed to be of ancient date, is in fact the work of an eleventh-century forger⁴⁹ and may well be taken as descriptive of a practice with which he was familiar. That the tenure of office was not for life was a well-recognized rule;⁵⁰ but holding during pleasure might then, as later, mean that it was for many years.⁵¹ A number of sheriffs of King Edward remained in office in the reign of Harold and even in that of William the Conqueror.⁵²

⁴⁴ The whole usage of the Anglo-Saxon period places a reeve in the judicial position next to the alderman or earl. See Asser, sect. 106; 6 Athelstan, 11; 4 Ethelred, 8; Polity, 11, in Thorpe, *Ancient Laws*, p. 429; Florence of Worcester, a. 1066.

⁴⁵ Kemble, *Cod. Dipl.* nos. 731, 732. A *scirman* for Middlesex is named (Kemble, *ibid.* no. 972), but in a document which is of questionable authenticity, as some of the witnesses belong to the earlier part of the reign of Ethelred and others to the reign of Canute. Etric, shireman of Norfolk (Kemble, *ibid.* no. 785), seems to have been remembered as a contemporary of Alderman Ethelwine, who died in 992.

⁴⁶ See Birch, *Chart. Sax.* no. 1098.

⁴⁷ Kemble, *Cod. Dipl.* no. 1323.

⁴⁸ Heming, *Chartulary*, i. 277, 278.

⁴⁹ Haddan and Stubbs, *Councils*, iii. 241, 245; Kemble, *Saxons in England*, ii. 165, n. 1; Liebermann, *Gesetze*, ii. 649. See also Birch, *Chart. Sax.* no. 94.

⁵⁰ 'E. habuit ipsa [sic] dimidium hidam quam Godricus vicecomes ei concessit quamdiu vicecomes esset:' *D. B.* i. 149.

⁵¹ Toli, who seems to have been sheriff of Suffolk as late as about 1065 (*D. B.* ii. 140, 334), is mentioned as sheriff in a writ along with Bishop Grimketel (Kemble, *Cod. Dipl.* no. 1342), who died in 1047, and who was recognized as bishop in East Anglia only for a short time after he was appointed to that see in 1038: Florence of Worcester, a. 1038, 1047.

⁵² Those who continue under William are Marloswein (Kemble, *Cod. Dipl.* no. 806; *D. B.* i. 376; Freeman, *Norm. Cong.* iii. 421), Robert fitz Wymarc (below, note 170; *D. B.* ii. 98), Norman (below, note 154; *D. B.* ii. 438; Round, *Feudal England*, pp. 427-8), Toud or Tofig (Kemble, *Cod. Dipl.* nos. 837, 839; Davis, *Regesta Regum Anglo-Normannorum*, i. nos. 7, 23), Etric (*D. B.* i. 72; Round, *Feudal England*, p. 422), and apparently Elfwine (Alwin, *D. B.* i. 238 b, 242 b) and Edwin (*ibid.* 157 b, 238 b, 241). For Harold's reign we should add the name of Godric (below, p. 30) and in all probability that of Ezi (*D. B.* i. 43).

Even in the reign of the Confessor a sheriff was sometimes placed over two counties. Thus Norfolk and Suffolk formed the bailiwick of Toli, though each county had its own shiremete.⁵³ Godric was sheriff of Berkshire and Buckinghamshire.⁵⁴ The same custom which gave *æfgrefan* or *bydelas* to *deman* and *gingran* to the more important administrative officials⁵⁵ doubtless attached deputies also to sheriffs. The perquisites of the office, apart from grants of land and other advantages due to the personal favour of the king, included the privilege of farming his estates and some other sources of his income. It is probable that when the sheriff was a tenant on the royal demesne his land was often exempt from the obligations of the king's *feorm*; ⁵⁶ but, as will appear later, Kemble was wrong in supposing that sheriffs retained as their own the court fines which they collected within their counties.⁵⁷

The judicial powers of the sheriff, it was held in the eleventh century, were derived from the authority of the alderman or earl. The author of the *Iudex*⁵⁸ regards the alderman as head of the judicial system of the shire,⁵⁹ and Heming even represents him as holding sessions of the hundred.⁶⁰ The earl's third penny of the pleas of the shire and hundred shows that this judicial supremacy is, and has been, no fiction. Yet it has already appeared that by the reign of Ethelred the sheriff is the alderman's representative who takes his place in the shiremete. Indeed, the rapidly decreasing number of aldermen and the corresponding increase in the number of counties governed by a single alderman rendered this inevitable. The lawgivers of Edgar's time probably meant to deal with this situation when they required the alderman as well as the bishop to attend the two annual sessions of the shire.⁶¹ Canute's law repeats the requirement⁶² at a time when, instead of the original alderman in charge of each shire, there were some half-dozen earls ruling all the shires in England.⁶³ There is every reason to believe that in the eleventh century, as in the tenth, the sheriff acted in a judicial capacity for his superior. The earl, however, is to be found personally discharging his proper judicial functions⁶⁴ and continues to be recognized as the head of the shiremete. The Confessor's writs to this body are regularly

⁵³ Kemble, *Cod. Dipl.* nos. 853, 874, 875, 880, 881.

⁵⁴ *D. B. i.* 149.

⁵⁵ See Liebermann, *Gesetze*, ii. 719 (3 e), 722 (19); also *Episcopus*, 10, *ibid.* i. 478.

⁵⁶ 'Quamvis Aluricus vicecomes sedisset in ea villa semper reddebat de ea firmam regis et filii eius post eum': *D. B. i.* 208.

⁵⁷ Kemble, *Saxons in England*, ii. 166.

⁵⁸ *Iudex*, 8, Liebermann, *Gesetze*, i. 475.

⁵⁹ See Davis, *ante*, xxviii. 421. Compare Kemble, *Saxons*, ii. 137.

⁶⁰ Heming, *Chartulary*, i. 123, 137.

⁶¹ 3 Edgar, 5. 2.

⁶² 2 Canute, 18. 1.

⁶³ Larson, in *American Historical Review*, xv. 725.

⁶⁴ Kemble, *Cod. Dipl.* nos. 755, 898; Thorpe, *Diplomatarium*, 346, 376; *Liber Eliensis*, 139.

addressed to the bishop, the earl, and the thegns of the shire, and only in a minority of the known cases is the sheriff's name added.⁶⁵ Since the matters which were brought forward in it largely concerned financial administration, it can hardly be supposed that the sheriff was absent when his name is not specifically mentioned in the king's writ.⁶⁶ As early as Ethelred's reign, it has been seen, the requirement that the alderman should attend the sessions of the shire was satisfied by the presence of the shireman. The size of an earldom like Godwine's appears to prove that the earl could not attend regularly, and even among the few extant writs in which a sheriff is named there are some addressed to this official and the bishop, no mention being made of the earl.⁶⁷ It is not questioned that in the absence of the earl the sheriff often presided over the shire assembly. In a county like Shropshire, where he had superseded the earl in the exercise of other powers,⁶⁸ it is probable that he alone presided and that he was actually the 'constituting officer'⁶⁹ of the county court.

The judicial activity of the sheriff in the hundred, well known through a writ of Henry I, was not a result of Norman rule. The laws of Ethelred show that there was a lesser reeve in the wapentake⁷⁰ and the hundred⁷¹ who directed criminal procedure. In the reign of Edward the Confessor the *praepositus* is mentioned as fixing the term of the case to be tried in the hundred.⁷² But it is clear that in this reign the sheriff also held sessions of the hundredmote. In some hundreds either he or the *motgerefa* presided,⁷³ a circumstance tending to show that the latter acted under his authority. It was an unusual exemption granted to the cathedral church of Worcester,⁷⁴ as well as to some other churches, which had anciently excluded the sheriff from jurisdiction in the hundreds that they possessed. It had become the rule in the hundred of Wormelow near the city of Hereford that the

⁶⁵ Zinkeisen, in *Pol. Science Quarterly*, x. 138.

⁶⁶ In assuming that he was absent Zinkeisen seems to go further than the evidence justifies.

⁶⁷ Kemble, *Cod. Dipl.* nos. 869, 870, 858. With these should no doubt also be included nos. 856, 857, 861, addressed to portreeves of London.

⁶⁸ Compare the sheriff's proclamation of the king's peace (note 92). The burghal third penny here went not to the earl, but to the sheriff: Ballard, *Domesday Boroughs*, p. 44.

⁶⁹ See Stubbs, *Const. Hist.* i. 128; Zinkeisen, in *Pol. Science Quarterly*, x. 137, 138.

⁷⁰ 3 Ethelred, 3. 1, 2.

⁷¹ The employment of a *gerefa* at the preliminaries of purgation (3 Ethelred, 13) implies that he is at the head of the hundred court, which is the regular tribunal in criminal cases: 1 Ethelred, 1. 2; 2 Canute, 17, 25. 1.

⁷² *D. B.* i. 269 b.

⁷³ Kemble, *Cod. Dipl.* no. 840. Compare the *gingran* of the *scirman*: Polity, 7, in Thorpe, *Ancient Laws*, p. 426; Episcopus, 10, in Liebermann, *Gesetze*, i. 478.

⁷⁴ See *D. B.* i. 172.

sheriff held three of the twelve sessions in the year.⁷⁵ So strongly do these sessions resemble the sheriff's tourn of a later day, that they have even been regarded as views of frankpledge.⁷⁶ They do well fit into the requirements of the prevailing system of suretyship for keeping the peace,⁷⁷ but the evidence to prove the existence of frankpledge in the period under consideration is not strong enough⁷⁸ to warrant the conclusion that they represent more than an incipient form of sheriff's tourn which later came to make view of frankpledge tithings. Lastly, it is to be noted that the sheriff's jurisdiction in the hundred extended to the burghers of many towns. The fact that in the reign of King Edward the sheriff was setting the term for the suits of the men of Shrewsbury, which they were bound to observe under penalty of ten shillings,⁷⁹ is to be interpreted in the light of the requirement that the *iudices civitatis* of Chester were to attend the sessions of the hundred and for absence without manifest excuse to pay a penalty of the same amount.⁸⁰ It is also probable that the sheriff collected the court fines at Wallingford.⁸¹

The military functions of the sheriff on the eve of the Norman Conquest seem normally to have been confined to matters within his own county. He had a right to claim *inward* or a body-guard. In the counties of the western border he took the command against Welsh incursions just as at an earlier time the alderman led the men of the shire to repel the Danes. Military expeditions prior to 1066 are ordinarily treated in the Domesday record as the king's, and the summons is *edictu regis*,⁸² yet in Shropshire and Herefordshire the order comes from the sheriff.⁸³ There can be

⁷⁵ *D. B.* i. 179. Special attendance at court three times a year is also mentioned as an obligation resting upon the tenants of the bishop of Winchester in his manors about Taunton (Kemble, *Cod. Dipl.* no. 897). These were *placita episcopi* (*D. B.* i. 87 b) held in a hundred which had passed into the bishop's hands.

⁷⁶ Liebermann, *Gesetze*, ii. 521, § 31 d. Mr. Round (*Victoria History of Hereford*, i. 299, n. 250) makes it clear that the horsemen who accompanied the sheriff on the journey from Hereford to the hundred of Wormelow are to be considered as his guard. He had to pass near the Welsh region of Archenfield in order to hold his court.

⁷⁷ See the writer's *Frankpledge System*, p. 113.

⁷⁸ See Liebermann, *Gesetze*, ii. 745, §§ 10 d, 11. Compare *ante*, xxviii. 422. Even if twelfth-century views represent a genuine tradition instead of the reading of a familiar institution back into 2 Canute, 20, it is probable that before 1066 *borh* groups existed which a writer unfamiliar with institutional development might readily identify later as frankpledge tithings. See *The Frankpledge System*, pp. 20-9; as to the tithing of Canute's laws, which according to Dr. Liebermann's interpretation becomes a suretyship-tithing to hold and lead every man to plea, *ibid.* pp. 20, 27; and as to the comparative elasticity of the Anglo-Saxon *borh* system and that of the frankpledge of Norman days, *ibid.* pp. 29-30.

⁷⁹ *D. B.* i. 252.

⁸⁰ *D. B.* i. 262 b.

⁸¹ Below, p. 33.

⁸² *D. B.* i. 172.

⁸³ 'Cum in Walis pergere vellet vicecomes qui ab eo edictus non pergebat XL. solid. de forisfactura dabat' (Shrewsbury): *ibid.* i. 252. 'Si vicecomes iret in Wales

no doubt that when in 1056 Leofgar, the unclerly bishop of Hereford and former chaplain of earl Harold, took the field with his priests against Griffin the Welsh king and was slain along with Elfnoth the sheriff,⁸⁴ the latter was in command of a general levy of the shire. It was only after their defeat that earls Leofric and Harold came to aid the sorely harassed English forces. The well-known story of the negotiations of William the Conqueror with Esgar, sheriff of London and Middlesex, seems to prove that upon the latter devolved the duty of defending the city against the Norman advance.⁸⁵ The death at Hastings⁸⁶ of Godric, the sheriff of Berkshire, tends to show that the shire levies of the near-by counties which came to aid King Harold in his last battle were led by their sheriffs. As Kemble says, they were the natural leaders of the militia and the *posse comitatus*.⁸⁷ Yet it seems clear that the troops which, according to the statements in Domesday, the western sheriffs took into Wales were of a different kind. At Shrewsbury and at Hereford the sheriff called out, not indeed as did the king's officials in other towns, a fixed number of men, but apparently as many as he needed. Individual persons were no doubt designated,⁸⁸ and the high penalty of forty shillings for failure to go, seems fairly good evidence that summons was not general. Moreover, the custom which made the Welsh of the district of Archenfield near Hereford the advance-guard when the army went into Wales and rear-guard on the return,⁸⁹ points to arrangements out of keeping with a general summons and haphazard assemblage.

While the sheriff came to possess powers which pertained to the headship of the shire, he by no means lost those derived from his reeveship. Among these may be named his powers connected with the peace and with police.⁹⁰ The king's peace was given in the reign of the Confessor by the king's hand or writ or else by his *legatus*. At Chester this *legatus* was the earl, the earl's official, or the king's reeve.⁹¹ At Shrewsbury the king's peace was proclaimed by the sheriff.⁹² The monastic story of Leofstan, the wicked sheriff who violated the sanctuary of St. Edmund's Abbey to seize a criminal, dating from but a short time after the Norman

cum exercitu ibant hi homines cum eo. Quod siquis ire iussus non iret emendabat regi XL. solid.' (Hereford): *D. B. i.* 179.

⁸⁴ *Anglo-Saxon Chronicle*, a. 1056; Florence of Worcester, a. 1056.

⁸⁵ See Stenton, *William the Conqueror*, p. 224. His office of staller may, in part, account for his military functions.

⁸⁶ *Chron. Monast. Abingdon* (Rolls Series), i. 491.

⁸⁷ *The Saxons in England*, ii. 164. That they acted in the latter capacity may perhaps be assumed from the analogy of the *gerefa* of Athelstan's time and the hundredman of Edgar's reign.

⁸⁸ See above, note 83.

⁸⁹ *D. B. i.* 179.

⁹⁰ See 4 Athelstan, 7; 6 Athelstan, 8, 8. 2-4.

⁹¹ *D. B. i.* 262 b.

⁹² *Ibid. i.* 252. The same was true in Warwickshire in 1086.

Conquest and purporting to come from an earlier period, is good testimony regarding the existence before that event of one of the sheriff's most familiar duties.⁹³ In the Institutes of Polity the bishop when exercising jurisdiction over his clergy in capital cases is called Christ's *scirgerefa*.⁹⁴

As fiscal agent of the king, the sheriff had powers which were possessed by the earliest known king's *gerefa*.⁹⁵ The administration of royal rents, dues, services, and forfeitures had made the office of reeve one of importance in the state, and they were destined to make the office of sheriff still greater in the next period of its history. But for King Edward's time finance is still an obscure subject, and the sheriff's place in the scheme is only here and there recorded. He was closely connected with the *ferm* of the royal demesne lands, the very core of the financial system. These lands were sometimes in the custody of various farmers or local officials.⁹⁶ Sometimes the sheriff himself was the farmer.⁹⁷ It is impossible to say whether as yet he farmed all such lands in his county and then leased part of them to bailiffs. The total amount of the king's annual income from a county prior to 1066 is known in but one case,⁹⁸ and it is not stated in this instance whether it was or was not the result of a *ferm*. If it is unsafe to assume that counties were farmed as a whole at the date of the Domesday inquest,⁹⁹ much less is it permissible to make the assumption for the reign of King Edward. There are, nevertheless, indications which point to such a practice. The later custom, whereby the king upon granting away a demesne manor made allowance to the sheriff for a corresponding decrease in the *ferm* which he paid, has in one case been traced to the Confessor's time.¹⁰⁰ The alienation of lands belonging to the royal *ferm* seems regularly to have been effected through the sheriff's

⁹³ *Memorials of St. Edmund's Abbey* (Rolls Series), i. 30-2, 112-13; Liebermann *Ungedruckte Anglo-Normannische Geschichtsquellen*, pp. 231-2.

⁹⁴ Institutes of Polity, 25, in Thorpe, *Ancient Laws*, p. 439.

⁹⁵ Liebermann, *Gesetze*, i. 14, Wihtraed, 22. Here the *gerefa* appears to be a domanial agent of the king.

⁹⁶ *Rex tenet Axeminstre. . . Eccha praepositus accommodavit cuidam presbitero unum ferling terrae* (*T. R. E.*: *D. R.* i. 100; iv. 76) . . . *qui tenebat eam T. R. E. corcessit eam* (i. e. a haw in Guildford) *Tou'i praeposito villae pro emendatione unius suae forisfacturae* (*ibid.* i. 30). . . *tenuit Godwinus praepositus regis in firma* (*ibid.* iv. 97). . . *quas tenuit I. faber T. R. E. qui propter latrocinium interfectus fuit et praepositus regis addidit illam terram huic manerio* (*ibid.* ii. 2 b).

⁹⁷ *Sed quidam vicecomes misit eas ad V hidas per concessionem eiusdem regis* (King Edward) *quia firma eius gravabat* (*D. B.* i. 197). This is further proof that the king's manors were not *extra comitatum*, as Eyton held. Mr. Round deals with the question in *Victoria County History of Somerset*, i. 395.

⁹⁸ Warwickshire (*D. B.* i. 238). The *firma* of three nights from Oxfordshire and Northamptonshire (*ibid.* 154b, 219) is clearly that paid in 1086, rather than before 1066, where Liebermann (*Gesetze*, ii. 422) places it.

⁹⁹ See *Victoria County History of Northamptonshire*, i. p. 277.

¹⁰⁰ Round, *Commune of London*, p. 72.

agency,¹⁰¹ and his enforcement of the *avera*, or carrying services, which were an ancient part of the *feorm* rendered by royal estates,¹⁰² is a third link in the chain. It is at least clear that sheriffs were the custodians of many royal manors and that lands confiscated for crime were being placed in their hands. If they did not as yet manage the farming system within their respective shires, they were very important factors in that system. The farming together of a whole hundred or district¹⁰³ and the grouping of royal manors to make up jointly the equivalent of the ancient *feorm* of one night¹⁰⁴ were useful devices in centralizing control in their hands.

The sheriff's administration of the proceeds of the *ferm* is a matter of record for the Confessor's time. The plan, familiar to the student of the Pipe Rolls, by which the sheriff at the king's instance made local disbursements from the proceeds of his *ferm* was already followed. It is recorded that when the *legati* of the king on their journey down the Trent reached Torksey, the boatmen of that town conducted them to York, and the sheriff out of his *ferm* furnished provisions for the journey.¹⁰⁵ Two peculiar Domesday entries concerning Gloucestershire estates, one telling that from a certain manor the sheriff rendered what it brought at farm, the other that a manor rendered what the sheriff wished,¹⁰⁶ seem to refer to the receipt of quantities of produce upon which a money valuation had not yet been placed.

Since the sheriff was a judicial as well as a fiscal official, he was specially concerned with the king's income from judicial sources. These revenues were largely reckoned with the *ferm*, and formed its second ingredient. But some compositions for the greater offences went directly to the king, and had to be accounted for separately. King Edward had on his demesne throughout England three of these more important *forisfacturae*¹⁰⁷ which were *extra*

¹⁰¹ *Fuit de firma regis sed tempore Godrici vicecomitis fuit foris missa (D. B. i. 57). Homines de hundredo testantur quod praestitum fuit istud manerium per vicecomitem extra firmam regis Edwardi (ibid. i. 31). Alui vicecomes misit haec extra firmam (ibid. i. 163).*

¹⁰² *With the regalium rerum et operum debita (Kemble, Cod. Dipl. nos. 196, 206; Birch, Chart. Sax. nos. 335, 351) of the Mercian kingdom compare the feorm at Taunton (Kemble, no. 1084; Birch, no. 612).*

¹⁰³ *De firma in Bertune hundredo regis Edwardi fuit ad dimidiam diem firmae reddidit in omnibus rebus (D. B. i. 38 b). . . . I. mansionem quae vocatur Esmaurige quae tempore regis E. reddebat per annum ex consuetudine XXX denarios in firma Axeminstre regis (D. B. iv. 467, fo. 503 b).*

¹⁰⁴ See Mr. Round's account in *Victoria History of Hampshire*, i. 401-2. In Shropshire this plan dated at least from the reign of Ethelred (*D. B. i. 253 b*).

¹⁰⁵ *Ibid. i. 337.* At Wallingford a similar procedure on the part of the local praepositus was apparently not unknown (*ibid. i. 56*). ¹⁰⁶ *Ibid. i. 163.*

¹⁰⁷ *Has III. forisfacturas habebat in dominio rex Edwardus in omni Anglia extra firmas (ibid. i. 252). Rex vero habebat in suo dominio tres forisfacturas, hoc est pacem suam infractam et heinfaram et forestellum. Quicumque horum unum fecisset emendebat C. solidos regi cuiuscunque homo fuisset (ibid. i. 179).*

firmas. With them are to be included in various localities other royal *placita* which were not farmed.¹⁰⁸ They preserve an old distinction¹⁰⁹ and constitute the germ of the future pleas of the Crown. The mention of one of these five-pound forfeitures which was paid at Wallingford for breaking into the town by night and which, it is recorded, went not to the sheriff but to the king,¹¹⁰ implies that in this locality sums derived from ordinary pleas were included in the sheriff's *ferm*. The regular income from the hundred court was farmed along with that of certain estates,¹¹¹ and the earl's third penny of pleas of the hundred¹¹² as well as the king's two pence¹¹³ had become annexed to definite manors. That all these arrangements required the sheriff's supervision seems probable. The old rule, that compositions in court by the holders of bookland are to be paid only on witness of the king's *gerefa*,¹¹⁴ makes either him or the subordinate reeves responsible. It is to be observed also that the regular process of collecting *geld-wite* was through the sheriff's seizure of land,¹¹⁵ and that land forfeited to the king for crime was probably taken into the sheriff's hands.¹¹⁶ Moreover, the same official is named as collector of the *forisfacturae* of the king's sokemen outside the royal demesne.¹¹⁷ Since among these payments may be included the great ones not included in the *ferm*, as well as the lesser ones which were so included, the passage seems to show that the sheriff will account directly to the king's chamberlain¹¹⁸ or his representative for sums which are not farmed. Such an arrangement as that which attached to one of Earl Harold's manors the third penny of a whole shire probably implies that judicial profits included in the *ferm* were aggregated.¹¹⁹ The *placita* of Chester in the earl's own county and all its hundreds except one were farmed by him at a lump sum.¹²⁰ The inclusion of the pleas of the shire along with those of

¹⁰⁸ Thus at Oxford *fyrdwite* was emended by paying a hundred shillings to the king (*ibid.* 154 b). In 1086 trespass upon the king's highway at Dover paid a *forisfactura* to the king of the same amount (*ibid.* i. 1). Compare *rex E. dedit . . . de firma sua solutam ab omni consuetudine praeter forestam custodiendam excepta forisfactura regis sic est latrocinium, et homicidium et heinfara et fracta pax* (*ibid.* i. 61 b).

¹⁰⁹ 1 Ethelred, i. 14; 2 Canute, 12-15. For the amount collected see 1 Canute, 3, 2; 2 Canute, 62. ¹¹⁰ *D. B.* i. 56 b.

¹¹¹ *T. R. E. reddebat XXI libras de firma istud Wich cum omnibus placitis eiusdem hundred* (*ibid.* i. 268).

¹¹² *Ibid.* i. 38 b, 86 b, 101, 263 b; iv. 462, fo. 479 b.

¹¹³ *Huic manerio pertinebant II denarii de hundredo Conendovre T. R. E.* (*ibid.* i. 253). ¹¹⁴ 1 Ethelred, i. 14.

¹¹⁵ Below, p. 35. Compare *D. B.* i. 141.

¹¹⁶ *Anno quo mortuus est isdem rex (Edwardus) fuit ipse forisfactus et dedit illam Merloswen vicecomiti pro reatu regis* (*ibid.* i. 376). The *praepositus regis* (above, p. 31, n. 96) acts in this capacity also, but probably as the sheriff's representative.

¹¹⁷ *D. B.* i. 189 b.

¹¹⁸ Larson, *King's Household*, p. 133; Poole, *Exchequer in Twelfth Century*, pp. 23-6.

¹¹⁹ Dorset (*D. B.* i. 75). ¹²⁰ For fifty pounds and a mark of gold (*ibid.* i. 262 b).

the hundreds is a specially interesting point, inasmuch as this seems to be the earl's third penny. The king's judicial revenues from the county, if this is true, were twice those of the earl. In that event the computing of them in one sum, the entire collection of which was supervised by the sheriff, is highly probable. A Domesday entry, which records that the borough of Yarmouth along with the king's judicial income from three hundreds was worth to the Confessor eighteen pounds *ad numerum*,¹²¹ shows that payment was being made in coin. It also indicates, as in the case of the special pleas of the Crown, that the sheriff already accounts at the king's treasury for these portions of his *ferm*.

Other sources of income seem to have been collected by the same methods and agencies which dealt with the judicial revenues. The customary manorial payments of a few pence a year to the sheriff¹²² from lands outside the demesne were probably included in his *ferm*. The sums rendered by boroughs before Norman days were in part farmed and in part accounted for directly.¹²³ The borough *ferm* might include that from the pleas of various hundreds,¹²⁴ and a small borough on the royal demesne might pay its *ferm* as part of a manor.¹²⁵ The case of Hereford, where the reeve farmed immediately from the king,¹²⁶ seems quite exceptional. The hint that at Wallingford the sheriff treated most of the court payments as part of his *ferm*, the lumping of the judicial income from hundreds with the *ferm* of boroughs, and the statement that at Chester a certain *forisfactura* collected by the reeve was made over to the *minister regis* within the city,¹²⁷ seem to indicate at so early a time the sheriff's relation to the *firma burgi*.¹²⁸ The division of the profits of the coinage at Shrewsbury between king and sheriff in the proportion respectively of two to one, implies that the latter had here acquired the earl's rights to the third penny of the borough. The sheriff's work in the levy of gelds is proved by the fact that he reduced the assessment of a Cambridgeshire vill from ten to the more usual five hides.¹²⁹ According to Heming,

¹²¹ See note 125.

¹²² See *D. B. i.* 138 b, 139, 140 b.

¹²³ At Huntingdon, for instance, in the time of King Edward the fisheries were farmed, but the mill and the mint were accounted for separately (Ballard, *Domesday Boroughs*, p. 92); compare Round in *Domesday Studies*, i. 135-7. The seven pounds paid to the king and the earl by the moneymen of Chester when the coinage was changed were *extra firmam* (*D. B. i.* 262 b).

¹²⁴ *Walterus de II partibus burgi Malmesberie reddit VIII libras regi. Tantundem reddebat ipsum burgum T. R. E. et in hac firma erant placita hundret' de Cicemtone et Sutelesberg quae regi pertinebant* (*D. B. i.* 64 b). *Gernemwa. Tenebat Rex E. . . Tunc valebat cum duabus partibus soche de tribus hundretis XVIII libras ad numerum, pars comitis IX libras ad numerum* (*ibid.* ii. 118).

¹²⁵ *Langeford . . . Huic manerio reddebat burgum Totheneis XX. solidos ad firmam regis* (*ibid.* i. 101).

¹²⁶ Ballard, *Domesday Boroughs*, p. 92.

¹²⁷ *D. B. i.* 262 b.

¹²⁸ See Maitland, *Domesday Book and Beyond*, pp. 204-5.

¹²⁹ This was done with the king's consent (*D. B. i.* 197).

when in Canute's day the Danegeld was overdue, the money was paid to the sheriff;¹³⁰ whether the allusion is to the Danegeld itself or merely to the *geldwite*, the sheriff's responsibility in the matter is equally patent.¹³¹ The hundredmen, the regular collectors of the geld,¹³² here also appear to be under his direction.

The work of the sheriff in enforcing service due to the Crown is mentioned in more circumstantial detail. If the *inward* which he supervised were not performed, he collected wardpenny in lieu of it.¹³³ Special *inward* was rendered to the sheriff of Cambridgeshire when King Edward came into the county.¹³⁴ When the king was in the city of Hereford the lesser landholders there did the same service at the hall.¹³⁵ This obligation is akin to another, that of providing the king with an escort on his progresses. When King Edward went hunting in the neighbourhood of Shrewsbury, the better burghers who had horses formed his guard, and the sheriff sent thirty-six *pedites* to stalk the deer as long as the king was there. When he departed, the sheriff sent with him twenty-four horsemen to conduct him to the first manor-house in Staffordshire.¹³⁶ The rendering to the sheriff of special *avera* is also mentioned, significantly, when the king came to the shire.¹³⁷ This obligation, which evidently sprang from the ancient king's *feorm*,¹³⁸ was in some places an annual one.¹³⁹ Manors sometimes jointly performed such service¹⁴⁰ and, like *inward*, it was commuted by a money payment to the sheriff. Some persons acquitted themselves of it by providing a horse once a year or by paying four pence instead.¹⁴¹ Of a similar nature was the service performed by the burghers of Cambridge, who three times a year furnished their ploughs to the sheriff.¹⁴² The keeping of hayward *in servitio vicecomitis* is also mentioned.¹⁴³ At Hereford the sheriff each August summoned certain persons three days for the cutting

¹³⁰ Heming, *Chartulary*, i. 278. He seems even then to have seized land to enforce payment just as he did in the reign of William the Conqueror (*D. B. i.* 141).

¹³¹ This is also hinted by the following: *Rex habet I Burgum quod vocatur Bade quod tenuit Eaditda Regina die qua rex E. fuit vivus et mortuus et reddebat gildum pro XX. hid. quando vicecomitatus gilaabat* (*D. B. iv.* 106, fo. 114 b).

¹³² Round, *Feudal England*, pp. 53-4.

¹³³ *Homines huius manerii reddebant Warpennam vicecomiti regis aut custodiam faciebant* (*D. B. i.* 190). Grants of King Edward (as Kemble, *Cod. Dipl.* no. 862) mention *wardwite*.

¹³⁴ The alternative was the payment of 12s. 8d. (*D. B. i.* 190).

¹³⁵ *Ibid.* i. 179.

¹³⁶ *Ibid.* i. 252.

¹³⁷ *Ibid.* i. 190 b.

¹³⁸ See above, note 102.

¹³⁹ *Inveniebant vicecomiti regis I averam et V denarios et unum quadrantem per annum* (*D. B. i.* 134).

¹⁴⁰ *Reddiderunt VI denarios vicecomiti vel unam averam et dimidiam* (*D. B. i.* 133 b); *nveniebant III partes averae et III denarios vicecomiti* (*ibid.* i. 141).

¹⁴¹ *Inquisitio Comitatus Cantabrigiae* (ed. Hamilton), p. 4.

¹⁴² *D. B. i.* 189.

¹⁴³ *Inquisitio Comitatus Cantabrigiae*, p. 34.

and one for theingathering of hay.¹⁴⁴ Mention of a certain *liber homo* of Gloucestershire who rendered service to the sheriff throughout England¹⁴⁵ goes considerably beyond the obligation of the boatmen of Torksey,¹⁴⁶ which took them only into the next county, and shows how far from home the sheriff's missions might carry a man.

A review of the fragmentary evidence available at once shows how unsatisfactory is the state of our information concerning the position and duties of the sheriff of King Edward's day, but it reveals clearly enough the fact that he had become an important person. Already he may be seen going about his duties attended by an escort of horsemen.¹⁴⁷ When presiding for the alderman over the shiremute, it became his duty to proclaim the king's commands and the enactments of king and *witan*.¹⁴⁸ It was he who might be expected to execute a great part of such orders together with the decrees of the shire assembly. As occasional president of the hundred court, he exercised the customary criminal jurisdiction. He had authority to proclaim the king's peace and to apprehend criminals. His was the responsibility for local defence, and he led the forces of his shire against Welsh attack or Norman invasion. The enforcement of the levy of Danegeld gave him a significance for vital national interests and influence over the landholders of the shire. The collection of court fines increased his power over all persons who remained within the king's *soke*. The exaction of *avera*, *inward*, and hayward also occurred in some places not on the royal demesne.¹⁴⁹ In the capacity of reeve of the royal demesne the enforcement of payments, renders, and services brought the sheriff into immediate touch with the everyday interests of men. His custodianship of royal estates involved manorial duties;¹⁵⁰ but he seems to have been the superior to whom numerous reeves and farmers of demesne manors accounted. When the king made a visit to the shire the sheriff provided for his safety, convenience, and various needs like a household official. It is not surprising that in Domesday Book his official acts receive attention almost to the exclusion of those of the earl, and that in this great record the sheriff of King Edward is shown due respect when there arises occasion to mention him. In a word, the whole government of the shire was falling into his hands.

The Old English sheriff presents traits which characterize his better-known Norman successor. The assumption that he was always a considerable landholder within the shire is not supported

¹⁴⁴ *D. B.* i. 179.

¹⁴⁵ *Ibid.* i. 162.

¹⁴⁶ Above, p. 32.

¹⁴⁷ Above, p. 29, note 76.

¹⁴⁸ See *ante*, xxviii. 425.

¹⁴⁹ Maitland, *Domesday Book and Beyond*, p. 169. See *D. B.* i. 139, 200, 200 b.

¹⁵⁰ In 1086 the king had at Holborn two *cotselli*, rendering to the sheriff twenty pence a year, whose guardianship had always been entrusted to the sheriff of Middlesex (*D. B.* i. 127).

by the solitary example which has been adduced in its support ; ¹⁵¹ still, in Domesday Book the sheriff of the period before 1066 is usually a landholder. Excluding from consideration Esgar and Robert fitz Wymarc, the great landholding stallers, ¹⁵² there are named in Domesday fifteen of these sheriffs, of whom all but two are at once seen to be in possession of land ; ¹⁵³ and the remaining two probably belong to the same category. ¹⁵⁴ Some of these personages had land in shires other than those in which they were sheriffs. Some held by direct gift of the king or by special arrangement with him. ¹⁵⁵ Some bought or sold land by the king's permission. Frequently they are mentioned as having tenants or dependants holding land of them. Three of them, Alwin or Ethelwine of Warwick, Ezi of Hants, and Toli of Norfolk and Suffolk, gave land to the church for the good of their souls. ¹⁵⁶ On the other hand, it is evident that it was not solely the Norman sheriff who despoiled the church. We read how Ævic in Canute's time occupied lands of the church of Worcester, ¹⁵⁷ and Heming speaks of unjust reeves and royal collectors as great robbers of this church. ¹⁵⁸ Godric of Berkshire had acquired for the term

¹⁵¹ Tofig Pruda, cited by Kemble (*Saxons*, ii. 166) as a very wealthy sheriff, can hardly be Tofig or Toid, the sheriff of Somerset (Kemble, *Cod. Dipl.* nos. 837, 839). The latter held office as late as 1067 or 1068 (above, note 52), and Godwine (Kemble, *Cod. Dipl.* nos. 834, 835, 836, 838), who was sheriff as late as 1061, must have been his predecessor in office.

¹⁵² See notes 159, 170.

¹⁵³ They are Godwin (Berks, *D. B.* i. 57 b, 58 ; Bucks, *ibid.* i. 149), Edwin (lands in Warwick, *ibid.* i. 238 b, 241, and in Oxford, *ibid.* i. 157 b), Alwin (the correct form of the name appears from *Salt Arch. Soc.*, ii. 178, 179, to be Ethelwine, and not Elfwine, as Freeman suggested, Warwick, *ibid.* i. 238 b, 241, 242 b ; he also had land in Huntingdon, *ibid.* i. 206 b, and in Gloucester, *ibid.* i. 167), Alwi (probably Elfwig, Gloucester, *ibid.* i. 162 b, 163 ; he seems to be the same Alwi *vicecomes* who held land of William the Conqueror in Oxford, and who was still living in 1086, *ibid.* i. 160 b), Aluric or Elfric (Huntingdon, *ibid.* i. 203, 208 ; see Kemble, *Cod. Dipl.* no. 903), Blacuin (Cambridge, *ibid.* i. 201), Orgar (Cambridge, *ibid.* i. 197), Oswald (Kent, below, p. 38), Ezi (Hants, *ibid.* i. 43), Alured or Alfred (Dorset, *ibid.* i. 83 ; see Kemble, *Cod. Dipl.* no. 871), Heche or Heccha (lands in Devon, *ibid.* iv. 301, 306, 389 ; compare *ibid.* i. 109, 109 b, 111 b), Merloswein (Lincoln, *ibid.* i. 376), and Toli (Suffolk, *ibid.* ii. 299 b, 409 b ; Norfolk, *ibid.* ii. 211 b).

¹⁵⁴ Norman, the sheriff (probably the person mentioned in Kemble, *Cod. Dipl.* nos. 863, 904, as sheriff of Northampton), is named as having the commendation of lands in Suffolk, where a man of his also held lands (*ibid.* ii. 312 b, 334 b). In the reign of King William he was a tenant of Robert Malet in the same county (*ibid.* ii. 327). Edric, sheriff of Wilts, is mentioned only because of his trespass upon the king (*ibid.* i. 72 b), which seems to mean occupation of his lands.

¹⁵⁵ King Edward leased land to Alwin (*ibid.* i. 167). Ezi held a half-hide *in paragio* of the king (*ibid.* i. 43).

¹⁵⁶ The grant of Alwin was made by concession of the king and upon testimony of the whole county (*D. B.* i. 238 b). That by Ezi was made after the death of King Edward and was questioned by the Normans (*ibid.* i. 43). Toli's gift was to the church of St. Edmund (*ibid.* ii. 211 b).

¹⁵⁷ Heming, *Chartulary*, i. 277.

¹⁵⁸ *Ibid.* ii. 391. The Danish invasion, unjust reeves and collectors, and Norman violence are given in chronological order as the three great robbers.

of three lives the land of Fifhide, belonging to the church of Abingdon, by means which the monks much resented.¹⁵⁹

Nor were these officials guiltless of the sharp practice and the usurpation of the rights of the Crown for which some later sheriffs were famous. More than one of them stands accused of making free with the king's lands.¹⁶⁰ Complaints against Godric of Berkshire are more numerous in Domesday than those against any other pre-conquest sheriff. In one place he made pasture for his horses at the expense of the royal demesne; in another he invaded the king's rights by ploughing with his own ploughs a hundred and twenty acres of Crown lands;¹⁶¹ he even granted a half-hide of land belonging to the king's demesne farm to be held as long as he should be sheriff by a certain girl for teaching his daughter orphrey-work.¹⁶² But there are complaints against others. Oswald of Kent gave to Elfstan, a reeve of London,¹⁶³ parts of a manor of the farm of King Edward, so that they were lost to the manor, and he removed *extra manerium* six acres of land and wood which in 1086 were still alienated.¹⁶⁴ Orgar of Cambridgeshire held a portion of royal domain which he placed *in vadimonio*¹⁶⁵ without the king's permission. The placing of land *extra firmam* by the sheriff was doubtless not always with the king's permission. On the other hand, the Anglo-Saxon sheriff has been accused of encroaching on private rights and of taking land into a royal manor so that his income might be increased while the *ferm* that he paid remained the same.¹⁶⁶

The complexity and variety of the powers of the Old English sheriff were the peculiar sources of his usefulness to an undeveloped system of government. His has well been called a generic office.¹⁶⁷ Furthermore, the array of places in which his duties were performed is striking. Some duties might even take a sheriff into another shire or his servants throughout England. It may be added that his action represents more than one authority within the state. In compelling collection of Danegeld he even follows the behest of the *witan*. In a very real sense he was at once the officer of the earl, the king, and the nation.

His relations to the earl and the king respectively constitute an interesting chapter of constitutional history. It has been seen that for some purposes he was the earl's subordinate or deputy.

¹⁵⁹ *Chron. Monast. Abingdon* (Rolls Series), i. 491. Domesday even relates that King Edward gave to Robert fitz Wymarc land of the church of Hereford to hold as a canon and that the latter made it over to his son-in-law, who held it at the king's death (*D. B. i. 252 b*). Esgar gained a firm hold upon one of the manors of the monks of Ely, and even appeal to the king failed to have any effect (*Liber Eliensis*, p. 217).

¹⁶⁰ Freeman, *Norman Conquest*, iv. 781.

¹⁶¹ *D. B. i. 57 b*.

¹⁶³ *Praestitit . . . Alestan* (*D. B. i. 2 b*).

¹⁶⁶ *Victoria County History of Buckingham*, i. 220.

¹⁶⁷ Adams, *Origin of the English Constitution*, p. 5.

¹⁶² *Ibid. i. 149*.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid. i. 197*.

It has been questioned whether, in an age when the earls constituted the strongest political power in the state, the sheriff did not come to represent their choice and interest. Freeman suggests, for instance, that the presence in Herefordshire of the Norman earl Ralph may explain the apparent appointment of the Norman Osbern as sheriff.¹⁶⁸ The title *vicecomes*, according to all indications, was used as the equivalent of *scirgerefa* only after the Norman Conquest, when English documents were being turned into Latin by clerks familiar with the Norman *vicomte*.¹⁶⁹ On the other hand, the sheriff continued to be the king's *gerefa*, over whom the king's control may safely be assumed to have been as great as the laws show it was over his reeves in general. The occasional holding of the office by the household dignitary known as the staller¹⁷⁰ points to the control of appointments by the king himself. The usage by which the sheriff often holds land of the king again shows a close personal relation. At least one of King Edward's sheriffs, besides the stallers who held the office, seems to belong to the court circle.¹⁷¹ The sheriff, moreover, was the king's personal agent in providing for his necessity and convenience during his progresses, in proclaiming his peace, and in collecting his revenues. The Domesday jurors report the loss to the king arising from the laxness of former sheriffs in administering lands at farm; and we hear how King Edward gave directions to a sheriff in regard to the assessment of a vill.¹⁷² On the other side, a charter of Canute deals with a case in which the reeves of Devonshire oppressed the lands of a church, and the earl complained to the king, possibly also to the *witan*.¹⁷³

The dualism in the government of the Anglo-Saxon shire was not exactly what it has been understood to be. During the recorded history of the sheriff's activity he does not stand purely for central

¹⁶⁸ *Norman Conquest*, ii. 345, n. 3.

¹⁶⁹ *Amer. Hist. Rev.* xiv. 469; Stubbs, *Const. Hist.* i. 127, n. 4. At an earlier time *iuDEX comitatus* occurs (*ante*, p. 26; cf. p. 22, n. 17).

¹⁷⁰ Esgar or Ansgar, the staller, is accepted not only by Kemble (*Saxons*, ii. 165, n. 2) but also by Round (*Geoffrey de Mandeville*, p. 353) as sheriff of Middlesex. Robert fitz Wymarc (Freeman, *Norm. Conq.* ii. 345, n. 3; iv. 736-8; Round, *Feudal England*, p. 331) was certainly sheriff of Essex in the reign of William the Conqueror (*D. B.* ii. 98). It is practically sure that he held the same position before the Conquest (*Victoria County History of Essex*, i. 345). Kemble (*l. c.*) and Freeman (*Norm. Conq.* iv. 757) believe that the naming of Eadnoth the staller in a writ in the position usually occupied by the sheriff shows him to have been sheriff of Hampshire. There are quite enough authenticated cases of this usage to raise a presumption in favour of the correctness of the view. On the same ground Freeman (*Norm. Conq.* ii. 345, n. 3) assumes that Osbern was sheriff of Hereford.

¹⁷¹ Merleswegen, sheriff of Lincoln, witnessed charters along with the king's stallers, his two brothers-in-law, Harold and Tostig, the two archbishops, and two bishops (Kemble, *Cod. Dipl.* nos. 806, 808).

¹⁷² Above, note 129.

¹⁷³ Kemble, *Cod. Dipl.* no. 729. Although the authenticity of this document is not beyond question, the procedure is sufficiently established by no. 1289.

or royal power as against the local influence of the earl. Though directly representing the king in various matters, he was the judicial, it may even be the military, agent of the earl. Administration, as Stubbs held,¹⁷⁴ was in the hands of 'a national leader and a royal steward', but this view of the situation leaves out of the account the fact that the latter exercised some powers of the former and thus tended to assume control of the entire shire government. In the age of great earls it would be futile to regard the abdication of their functions as other than voluntary. There could hardly have existed an active opposition between the interests of the sheriff and those of the earl. No doubt much depended on the influence of the latter in the *witan* to determine national policy. So long as the earl collected the third penny of the shire and the borough he could well leave to the sheriff the actual performance of his duties. Weak kingship seems before the Conquest to be gaining for the sheriff what strong kingship will strengthen after the Conquest. The shrievalty is one of a very few centralizing institutions which are to be found in Anglo-Saxon England. Through it the monarchy of the future will not only direct much of its administration, but will control the activities of public assemblies in shire and hundred. It contains the germs of a close co-ordination between local and central institutions, which is destined to give rise to the most distinctive features of the medieval English constitution.

WILLIAM A. MORRIS.

¹⁷⁴ *Const. Hist.* i. 127.

Notes on the Origin of the Declared Account

THE so-called Declared Account is stated in Mr. Scargill-Bird's official *Guide to the Public Record Office*¹ to have been introduced about the reign of Henry VIII and to have been fully established by the reign of Elizabeth. It is also said that 'the Declared Account took the place of the old *Comptus*'.² An examination of Exchequer methods and controversies in the sixteenth and seventeenth centuries throws light on this transition and establishes the following points. It appears that the new system was directly connected with the addition to the establishment of the Exchequer by Elizabeth of two Auditors of the Prests. This addition was not merely an increase in the existing number of auditors, but was the creation by patent of a new office, and as such an important landmark in the history of an institution of highly conservative traditions. The erection of this office was also a return to the practice of the Court of Augmentations and Revenues established by letters patent of 39 Henry VIII and dissolved in 1553-4. Then certain differences between the earlier and the later system aroused opposition from the Exchequer officers, and were denounced by them as infringements of the 'Ancient Course' of the Exchequer. The later system by degrees overshadowed the earlier, which was concerned with types of account which became obsolete or gradually lost importance both relatively and absolutely. The old system, however, continued to exist, until both the old and the new methods were superseded by the Commissioners for Auditing Public Accounts. But it was only by degrees that the various stages in the passing of a 'Declared Account' in the Exchequer were established, and these stages were certainly not complete until the treasurership of Juxon (1636-41).

First, then, the distinction between the old *Comptus* and that form of account which was afterwards known as the Pipe and Audit Office Declared Account was a distinction between those accounts taken by the Auditors of the Exchequer, who were

¹ p. 90, 3rd ed., 1908.

² *Public Record Office, Lists and Indexes*, xxxv, Introduction.

officials of long standing, and the Auditors of the Prests or Imprests. The term Declared Account was not used in this connexion; all accounts were declared in some form or other. The accounts passed in the new manner were differentiated as the Great Accounts, or the accounts taken by the Auditors of the Prests, or sometimes loosely as the Prest Accounts.³ The distinction is taken for granted by the writers on the Exchequer of this period.

There is a very valuable list, probably belonging to the year 1603 or 1604, in an Exchequer precedent book⁴ in which the accountants at the Exchequer are divided into two classes, those who account before the Auditors of the Exchequer and those who account before the Auditors of the Prests. It runs as follows :

Accomptants accomptable in the Court of Exchequer

[To] *The auditors as well of ould Exchequer accomptes as of the Revenues.*⁵

The Master of the Rolles.
 The Cofferer of the Kings Household.
 The Treasurers Remembrancer for homage.
 The Byshoppes for subsedyes of the Clergy.
 The Sheriffes of every Countie.
 The Escheators of the Countyes.
 The Customers of the Portes for Customes and Subsedyes.
 The Collectors of the tenthes subsedyes etc.
 The Mannor of Woodstock.
 The Maior and Company of the Staple.
 The Coynager of the Mineralls Royall.

³ e.g. Lansdowne MS. 168, fo. 356. See the extract from Fanshawe cited below, p. 50. Howell, *Londinopolis*, p. 370, 1657, says: 'There is the Auditor of the Prests whose Office it is to take the Accounts of the Mint Ireland and Barwick and of all other imprested or moneys advanc'd beforehand.' Cf. Blount's *Law Dictionary*, 1670: 'Auditor [*sic*] of the Prests or Imprests . . . are Officers of the Exchequer who take and make up the Great Accompts of Ireland Berwick the Mint and of any money imprested . . .'

⁴ Lord Treasurer's Remembrancer, Miscellaneous Books, 118, fo. 83.

⁵ i.e. what were known as the Annexed Revenues and later as the Land Revenue. The seven auditors of the Exchequer who took the old Exchequer accounts—that is, those accounts which were rendered in the manner of the old comptus, and according to the 'Ancient Course' of the Exchequer—also took the accounts of the land revenues which were 'annexed' to the Crown on the dissolution of the Court of Augmentations and Revenues. Cf. Vernon, *Considerations for regulating the Exchequer*, 1642, p. 36: 'The Seven Auditors of the Revenue who have in charge before them the Revenue annexed to the Exchequer upon the dissolution of the Augmentation Court *anno* 1 *Mariae* and before whom the receivers generall make their accompts according to their severall assignments by their letters patent . . . The other businesse which belongs to their place as they are Auditors or Clerkes in the Exchequer for taking the accompts of Sheriffs, Escheators, Customers, Comptrollers, Collectors of Subsidies, the Cofferers Accompt and the like, they have them by assignment from the Marshall of the Exchequer from time to time in open court . . .'

The makers of broad glasse.
 The meane profitts of manners lands etc for the forfeiture or seizure untill composition or pardon.
 The Generall Receivors of his Hignes Revenue.
 The Generall Receiver of the Dutchy of Cornwall.
 The Customers of Portes for Pyrates goodes.
 The Receavor of the Revennues of Byshopwrickes during the vacations.
 The woodwardes of His Majesties woodes.
 The feodaryes of honours.

[To] *The Auditors of the Prestes.*

The Treasurer of the Kinges Majesties Chamber.
 The Treasurer of his Majesties Householde.
 The Chiefe Butler of England.
 The Master of the Great Warderobe.
 The Master of the Jewell House.
 The Master of the Rowles [? Revels].
 The Master of the Tents and Pavillions.
 The Postmaster.
 The Lieuutenant of the Ordinance.
 The Clerke of the Armory.
 The Treasurer of Barwick.
 The Treasurer of the marryne affaires.
 The Surveyor of His Majesties victualls for his hignes navye.
 The Kinges Majesties agent.
 The Surveyor of His Majesties Workes.
 The Clerke of the Hamper.
 The Clerke of the Facultyes.
 The Remembrancer of the First Fruits and Tenthes.
 The Archbishops and Bishops for the tenthes and dismes of the Clergy.
 The Keeper of his Majesties Privy Purse.
 The Clark of the Pipe for the Profits of the Seale of the Exchequer.

At first sight it looks as if the distinction between the two types was, roughly, that accounts of revenue were taken by the Auditors of the Exchequer, while, as might be expected from their name, accounts of expenditure were the business of the Auditors of the Prests. It is to be remembered, however, that the practice of payment by assignment on certain specified branches of revenue made the distinction not a very clear one. Moreover, there are important exceptions. By a curious anomaly the Cofferer of the Household accounts in the old way. Secondly, the Hanaper, the Butlerage, the First Fruits and Tenths, the Faculties, and the Profits of the Exchequer Seal—all taken by the Auditors of the Prests—were primarily revenue accounts. The Mint accounts are omitted from both lists.

A list belonging to the year 1621 among the Cranfield or Middlesex papers now at Knole usefully supplements the lists given above. It is called 'A breife of all the ordenary Accomptauntes before Sir Frances Gofton and Sir Richard Sutton knightes the twoe Auditors of the Prests'. It enumerates accountants by name, the particular methods used in the compilation of each account, and the extent to which the accounts were in arrears at the moment. A comparison between this list and the earlier one shows that there had been an important transference of business from the Auditors of the Exchequer to the Auditors of the Prests—namely the Customs Accounts. After the general farm of the Customs in 1604 known as the 'Great Farm', the Customers of the Ports no longer accounted in person at the Exchequer, and the accounts of the farmers were taken by the Auditors of the Prests.⁶ Moreover, the accounts of the important additions to the Customs Revenue under James I and Charles I, whether farmed or not, were also taken by them. The list of 1621 gives, in addition to the accountants specified in the earlier list, the farmers of the Great Custom, the Collectors of the New Impositions, the Collectors of the Pretermitted Customs, and the Collector of the Imposition of threepence in the pound payable by strangers. In a statement drawn up by the Auditors of the Prests in 1691 concerning the fees taken by them, the accounts of the farmers and collectors of the Customs are superseded by those of the Receiver General and Comptroller General of Customs.⁷

The next point to be examined is the date and occasion of the creation of the office of Auditor of the Prests. F. S. Thomas, in his *Ancient Exchequer*, gives the following account of its origin: 'The first mention of Auditors of Imprest (or Prest) was in the Court of Augmentations [i.e. Augmentations and Revenues] . . . , and there they were styled Auditors of Prests and Foreign Accounts; and Article 29 of Annexation . . . plainly points out that that distinction was to be preserved for the future in the Exchequer—hence the origin of Auditors of Imprest.'⁸ It is true that by the

⁶ 'The fermors of the Great Customs and subsidies for the whole realme. . . They accompte upon a certain rente and their defalcacions are by warrante of the Lorde Treasurer and Chauncellor and Barons.' Cf. Pipe and Audit Office Declared Accounts. Nevertheless each of the seven auditors of the Exchequer was allowed a yearly fee of £18 as a defalcation on the rent of the Great Farm—a recognition of the vested interests of Exchequer officers in fees. This item appears regularly in the Declared Accounts of the Great Farm for the reign of James I. See also Lansdowne MS. 168, fo. 121 b, Return of fees by the Auditors: 'By reason that the Customs are in farme everie auditor is allowed for those accomptes xviii^{ll} yeaerly'.

⁷ See a petition of the Auditors of the Prests to be allowed to retain their accustomed fees, 28 July 1691: Harl. MS. 6873, ff. 1-7.

⁸ p. 124 (1848).

establishment of the Court of Augmentations and Revenues there were ten Auditors of the revenues of the Court, two Auditors of the Prests and Foreign Accounts as well as two Auditors of Boulogne and Calais ;⁹ but the latter part of the explanation is quite inconsistent with the text of the article referred to, which runs :

The accounts of the Hanaper, the Butlerage, the Staple of Calais and the Revenue of the Customs there, the Prests, the Mint, the Great Wardrobe, the Customers of the Ports of Chester, Berwick, etc to be verily taken and engrossed by the Auditors of the Exchequer according to the ancient laws of the same Court, and as heretofore accustomed before the erection of the Courts of Survey and Augmentations.¹⁰

This is explicit. Fanshawe, who was Queen's Remembrancer from 1568 to 1601, states that 'those offices [the Auditors of the Prests] were first graunted by her Majestie'.¹¹ Moreover, Mary actually pensioned off the officers of the Court of Augmentations and Revenues, including by name the two Auditors of the Prests. The warrant for drawing up the patents for the pensions begins :

Whereas we have dissolved our Courte of Augmentations and Revenues of our Crowne and have annexed the same and the possessions within the survey thereof to our Courte of our Exchequier by reason whereof divers of the officers of the said late Courte . . . are displaced of their servyce so that we ought to give them reasonable recompenses for their fees and commodities . . .¹²

By the Articles of Annexation the number of Auditors of the Exchequer was raised from five to seven and their yearly fee from £10 to £20.¹³ It was to be expected that the great increase in the volume of transactions at the Exchequer resulting from the dissolution of the Court of Augmentations and Revenues would lead to some modification of Exchequer methods. It did in fact lead to two important new developments. One, with which we are not here concerned, was connected with the management of the Land Revenue. The other was the addition to the

⁹ Transcript of the Letters Patent establishing the Court, Land Revenue, Miscellaneous Books, no. 113.

¹⁰ Thomas, p. 19, where the Articles are printed in full.

¹¹ State Papers, Dom., Eliz., cclv. 62; see below, p. 50. Cf. State Papers, Dom., James I, lxvii. 169: 'The Auditors of the Imprestes . . . kept the Imprest accounts in their handes from a^o 1^o Marie till the 39th year of the late Queene, whoe upon complaint to the Lord Burghley . . . that it was prejudiciall to the Crowne and contrarye to the ayncent Course of the Exchequer were by warrant and commandement under his handes and Sir John Fortescue the Chancellor of the Exchequer compelled to deliver all the said Aecomptes remainyng in their handes to the Clerke of the Pipe which they have donne likewise ever since . . .'

¹² Copy of Sign Manual warrant, 4 May anno 1: B. M., Cotton MS., Titus B. IV, fo. 131.

¹³ Article no. 30, Thomas, p. 19.

establishment of the Exchequer of two Auditors of the Prests after an interval of six years. The patent of Elizabeth appointing the two first holders of the office in the Exchequer makes the matter clear.¹⁴

Sciatis quod nos pro certis bonis et rationabilibus causis et considerationibus nos ad praesens specialiter moventibus ordinavimus . . . quod de caetero sint et erunt duo Auditores vocati et vocandi Auditores de Lez Prestes et Compotorum forinsecorum nostrorum.

The new auditors are to take the accounts of the Clerks and Surveyors of the Works, the Treasurer of the Ships, the Master of the Ordnance, and of all to whom money was issued in prest, and also of the Hanaper, the Great Wardrobe, and the Butlerage,

in consimili modo et forma prout huiusmodi duo Auditores pro causis praedictis nuper assignati et appunctati fuerunt in Curia Augmentationum et Reventionum Coronae Regiae.

They were also to take the accounts of the revenues of the First Fruits and Tenths of the Clergy. The first patentees were to be Auditors of the Mint and Exchange, but from the wording of the patent this does not seem inherent in the office, though it afterwards became so.¹⁵

The first Auditors of the Prests in the Exchequer were then appointed on 19 January 1559/60. This appointment may be considered as marking the end of the first stage in the development of the so-called Declared Account. Thus Auditors of the Prests were officers of the Court of Augmentations and Revenues, and while this court survived it dealt with those accounts which were afterwards taken by the Auditors of Imprest in the Exchequer. This is borne out by the extant accounts of that date. For instance, the account of Sir John Clere

Treasurer of his Majesties armye . . . beyond the seas . . . declared in ii particler Bookes and . . . warrauntes . . . perused, caste, tried and examined by William Dixe and Gregorie Richardson . . . Auditors of the Prestes, and declared before the Chauncelor and Generall Surveiours of His Graces Courte of thaugmentacions and Revenues.¹⁶

At the dissolution of the court by Mary, their business was taken over by the Auditors of the Exchequer until the office was

¹⁴ Henry Coddensham and John Hamby, Rot. pat. 2 Eliz., part 3, 19 January. Madox has left, among his manuscript notes, a transcript of this patent from the Memoranda Rolls. His reference is *Ex 2 parte orig. 2 Eliz. Rot. 35*. See B. M. Add. MS. 4512, ff. 169-81.

¹⁵ See above, p. 42, note 3, and Lansdowne MS. 83, no. 76.

¹⁶ Declared Account, Pipe Office, 222, dated 21 May anno 4 Edward VI; cf. also Account of John Rowsley of victuals for the fleet, 36-8 Henry VIII, Exchequer Accounts, Various, bundle 531, no. 37.

revived and introduced into the Exchequer by Elizabeth.¹⁷ The new auditors were then entrusted with those accounts which had been taken by their prototypes in the dissolved court, and also with the accounts of the revenues of the Court of First Fruits and Tenths dissolved by Mary.

A detailed examination of the origin of the methods of the Auditors of the Prests in the Court of Augmentations and Revenues is outside the scope of this paper. As the erection of that court by letters patent was only the culmination of a series of statutes, by which certain lands and certain classes of accounts were withdrawn from the normal procedure of the Exchequer, it is clear that the origin of the new method is probably to be found in the earlier changes of which the new court was the outcome. The statutes in question were based on the practice of Henry VII, by which debtors were ordered to account by word of mouth to Sir Reginald Bray, Sir Robert Southwell, and others, payments being made directly to the Treasurer of the Chamber instead of passing through the Exchequer of Receipt.¹⁸ By the act of 4 Henry VIII, c. 18, the accounts which were to be taken by the king's General Surveyors were specified as certain Crown lands, and the revenues of Calais, of the Great Wardrobe, the Hanaper, the Butlerage, and the duty of 6s. 8d. on the butt of malmsey wine. This list remains substantially the same in later acts. Finally, a separate court was created to deal with these accounts—the Court of General Surveyors. Those revenue accounts which were afterwards entrusted to the Auditors of the Prests were thus withdrawn at least as early as 1513 from the 'ancient course' of the Exchequer. This is confirmed by the examination of the accounts of those revenues for the period in question. For instance the Butlerage account for the year 1519–20 was declared before Sir John Daunce, one of the king's General Surveyors.¹⁹ It is signed *ex[aminatur] per me Iohannem Daunce*. The account itself was engrossed by one of the Auditors of the Exchequer, who received a fee of £14 for his pains. In its arrangement and spacing and in the use of long brackets it approximates to the form afterwards used by the Auditors of the Prests.

Imprest accounts as such are not specified in these acts. There is, however, evidence that the accounts for 'the wars' and 'the ships', for instance, were not going through the normal

¹⁷ e.g. Declared Account, Pipe Office, 477, a Butlerage Account for 1556–7, made up by one of the Auditors of the Exchequer (John Thomson), but in the manner previously used in the Court of Augmentations.

¹⁸ 1 Hen. VIII, c. 3; 3 Hen. VIII, c. 23; 4 Hen. VIII, c. 18; 6 Hen. VIII, c. 24; 7 Hen. VIII, c. 7; 14 and 15 Hen. VIII, c. 15; 27 Hen. VIII, c. 27 (Court of Augmentations); 27 Hen. VIII, c. 62; 33 Hen. VIII, c. 39 (Court of General Surveyors). See the preambles to these statutes.

¹⁹ Declared Account, Pipe Office, no. 455.

Exchequer process, which started with the certificate from the Clerk of the Pell of money issued in prest, and ended with the *Quietus est* given by the Clerk of the Pipe on the final enrolment of the abstract of the account on the Pipe Roll. It is clear that the summary methods introduced by Henry VII and continued by Henry VIII left no room for such a process. In the first place the pell of issue was discontinued.²⁰ Secondly, the accounts scattered through the State Papers of Henry VIII suggest a practice which ignores the course of the Exchequer. An instance of this is an account of the Treasurer of the Wars of the King's Army of the North in the year 1513. Payments were made by one of the king's chaplains, and by John Heron; the account itself is signed by the king.²¹ For the same year there is a list 'divers accountant's' whose accounts were taken and declared before Sir Robert Southwell. It includes several Treasurers at War, a Clerk of the King's Works, and commissioners for taking horses and pressing carters.²²

The origin of the methods of the Auditors of the Prests, then, can be traced in certain specified revenue accounts dealt with in a series of statutes which culminated in the erection of the Court of Surveyors; and also in the methods used by virtue of the king's authority in the case of certain spending departments or imprest accounts. Then the business of the Court of Surveyors, together with the imprest accounts and the business of the Court of Augmentations, was handed over to the Court of Augmentations and Revenues.²³ In this new court the Land Revenue accounts were dealt with by ten auditors of the revenues of the court. Two auditors of Boulogne and Calais dealt with the revenues from French possessions, while the remainder of the accounts coming before the court were taken by the Auditors

²⁰ The account given by Sir Vincent Skinner (who was Auditor of the Receipt or writer of the Tallies under James I, and a great rival and enemy of the Clerk of the Pells) of the suppression of the Pell of Issue is interesting: Henry VII 'finding the confused obscurities of these Pelles and Counter Pelles . . . and that they were utterly unserviceable for his use when he would be informed how his revenue came in or was issued out in severall natures to see the correspondence of one yeare with another . . . but with long serch and much charge in digesting and sorting the same out of that rude and undigested chaos by reason th'entries were made (Pesle Mesle) as the course of the Pelles is . . ., suppressed these confused Pelles . . .' See his tract, 'What the Auncient Course of the Receipt of the Exchequer hath beene . . .', annotated by Sir Julius Caesar, in Lansdowne MS. 171, fo. 307 ff.

²¹ State Papers, Henry VIII, i, no. 4375.

²² *Ibid.* i, no. 4630.

²³ The reason for this step is given in the patent erecting the new court: '. . . Such antiquities and dowts have rysen amongst our officers of the said courts for lack of good rules and orders to them prescribed that they coulde not by any meanes knowe dyrectlie howe to order the same accordyng to our expectacion and their duties . . . also . . . [there has been] a greate number of superfluous officers . . . [and] a great confusyon and disorder in our said revenewe': Transcript of Letters Patent, Augmentation Office, Miscellaneous Books, no. 17.

of the Prests.²⁴ From this it would appear that for some years the business of the old Exchequer of Account must have been reduced to little more than the Sheriffs' and Escheators' accounts, the accounts of subsidies and fifteenths, and presumably the account of the Cofferer of the Household, which curiously seems never to have been classed with the imprest accounts.²⁵ These, then, probably were those 'revenues of the Court of Exchequer' which were definitely excluded from the survey of the new court. They were also those accounts which the Auditors of the Exchequer continued to take in their capacity of Auditors of 'ould Exchequer accomptes' until the accounts in question became obsolete.

The development of the system introduced into the Exchequer by the appointment of the Auditors of the Prests consists of the gradual elaboration of rules for the custody and passing of the accounts taken by them. The next stage was reached in 1597, when by Burghley's orders the rolls of accounts engrossed by the Auditors of the Prests were no longer to be retained by them, but were to be delivered into the Court of Exchequer to be preserved in the Pipe Office.²⁶ The Auditors petitioned against this order :

In verie dutifull maner wee the Auditors of her Majesties Prestes do eftsones exhibite our humble petition unto your good honours concerninge the continuance of our office in such sorte as our predecessors longe before us and wee hetherto have enjoyed them, as well to other respectes in regarde to the great travaile incident thereto, as also for the custodie of the Recordes thereof reserved in a convenient and safe place assigned long since to those officers for that purpose within the precinctes of the Exchequer, readie alwayes to be produced, and the peculier state of everie such accompte to be sett out as at diverse times by our said predecessors and us hath bene performed.²⁷

The petition had no effect. On 9 August 1597 one of the Auditors of the Prests wrote to Burghley,

Your Lordship having commaunded by warraunte that all the Accomptes of Imprestes should be delivered into the Courte (which is

²⁴ By the establishment of the Court of Augmentations and Revenues 'the Audytors of the Prestes' were 'to take the accompts of the warres buyldinge shippes ordynaunces and all other sommes of money delivered in prest and of the moneys and revenues of our hamper butleradge and the greate wardrobe': Augmentation Office, Miscellaneous Books, no. 17. The mint accounts were also taken in the court (see the Articles of Annexation 29 quoted above), but are not specified as belonging to the Auditors of the Prests, a fact which probably explains their separate treatment in the patent.

²⁵ See below, p. 57, and the quotations from Fanshawe on p. 50; compare also return of fees taken for making of accounts by Auditors of the Prests, Lansdowne MS.

²⁶ State Papers, Dom., James I, lxxvii, 169; see above, p. 45, note 11. This is corroborated by the two communications from Auditors of the Prests to Burghley, quoted below.

²⁷ Lansdowne MS. 83, no. 73.

done) . . . I humbly pray that the speccyalties concerninge eche accompte may remayne with the Auditor wherebye he maye justefye his doinges . . . (any question hereafter arisinge).²⁸

This order of Burghley's was probably the direct result of a long statement addressed to Elizabeth by Thomas Fanshawe, the Queen's Remembrancer, an authority on the Exchequer.²⁹ His contention is

That the Accomptes of the Hanaper, Prestes, Mynte, Great Warderobe, and others ought to be delivered into the Courte and passe through the Remembrancers offices into the Clerk of the Pipe his office and there to remayne and the particulars of the same accomptes to remayne with the Queenes Remembrauncer like as the Accomptes of the Household and Customers and others be used, as appeareth by the Ordynaunces³⁰ and the auncient Course of the Exchequer . . . By greate numbers of particulars of the said Accomptes remaying in the custodie of the Queenes Remembrauncer and by the Accomptes engrossed and remaying in the Courte in the Clerk of the Pipes Office and by the takinges of the same accomptes in the Treasurers Remembrancers Office it appeareth that they were contynuallie so used untill the ereccion of the Courtes of Survey and Augmentacions.³¹

After the Auditors of the Prests had handed over their accounts to the Pipe Office there were still complaints that these accounts did not go through the stages required by the 'ancient course' of the Exchequer. Fanshawe, in his treatise on the Exchequer, addressed to Lord Buckhurst and therefore probably written between 1599 and 1601, writes as follows, contrasting the methods of the Auditors of the Exchequer with those of the Auditors of the Prests :

The King's Remembrancer receiveth from some one of the three barons and of the Auditors of the Court attending on them, all sheriffs forraign accounts, Collectors accounts of subsidies and fifteens, and the Cofferers accounts which he taketh, and the Accomptant's name with his addition of account and the summe total and the debts of the same, and so putteth every of them ever by himselfe or one of the Clerks of his office to the Treasurer's Remembrancers side to be entred there in like sort : both which Remembrancers should likewise receive all the Great

²⁸ Lansdowne MS. 83, no. 76.

²⁹ State Papers, Dom., Eliz., cclv. 62, without date, docketed in R. Cecil's hand 'Concerning Debtes'. The paper is not signed, but is by 'your Majesties most humble servant and Remembrauncer of the Exchequer . . .' See above, p. 45.

³⁰ 'By the ordynaunces sett foorth by kinge Edward the Second entered in the saide Red Book.' See *The Red Book of the Exchequer*, pp. 848 seq., and especially 933-5.

³¹ State Papers, Dom., Eliz., cclv. 62. A shorter form of this document is in Lansdowne MS. 168, fo. 356, headed in Sir Julius Caesar's hand, 'The order for taking of imprest accomptes 6th Nov. 1606'. In it the arguments against the custody of accounts by Auditors are omitted, as this particular grievance no longer existed.

accounts taken now before the Auditors of the Prests . . . to make like entrie thereof in both their offices, and to be conveyed in the viewes of every yeares remembrance and that he to whome it did appertaine might make processe upon the same where any cause should so fall out, and so noe *super* or debt thereupon by that meanes should be left behind to be out of processe every Terme while they were discharged.³²

In the same book the Auditors of the Prests are described as follows :

The Auditors of the Prests be they that take the old great accounts of the Exchequer as Ireland Barwick the Mynt the Loan the Wars the Ships the Provisions the Hamper the Ordnance the Clerk of the Works and such like remembered before *who now declared the same before the Lord Treasurer Chancellor and Under Treasurer only and be never entred in the Court of Exchequer nor examined nor written upon there as they were wont to be.*³³

Sir Edward Wardour, the Clerk of the Pells, writing in the earlier part of James I's reign,³⁴ contrasts in some detail the methods of the old *Compotus* and the *Prest* account. He first describes the way in which, under the old system, the issue of money in *prest* was certified by *constat* from the Clerk of the Pells out of the Issue Roll or Pell of Issue. After this 'the Auditor proceeded with the *Accompt*, which being finished it was declared before the Lord Treasurer and Barons of the Exchequer or some of them'.³⁵ The description of the next stages in the passing of the account he heads

All this orderly course following is now omitted. Then was the same *accompt* delivered to the Kings Remembrancer to make an entrie thereof in his office upon the State Rolles for such *Accomptantes*, and the bag of particulers to justefye the same *acompte* to be left there: And from thence the same *accompt* was delivered into the Lord Treasurers Remembrancers Office, upon which if there remained any *super* in the *Accomptants* hand, then did they send out proces for the same accordingly. After this the said *Accompt* was delivered to the Clerke of the Pipe to be entred with him of Record for the kings more assured service upon which if he [the accountant] had perfectly cleared his *accompt* he was to have his *Quietus est*.

And last of all the Clerke of the Pipe did make upon the backe of the *Accompt* an *irrotulatur* in theis wordes *irrotulatur ut patet in Rotulo xliº Rotu[us] Compotorum de Anno xi Regis Edwardi tertii*, upon sight whereof

³² *The Practice of the Exchequer Court*, printed 1658.

³³ *Ibid.* pp. 83-4. In the manuscript version of Lansdowne MS. 171, fo. 423, the words in italics are emphasized by a vertical line in the margin.

³⁴ 'A description of the antient course that was used in the Exchequer by all *accomptants* that did receive money in *prest* for the king's service:' Lansdowne MS. 164, fo. 439, annotated by Sir Julius Caesar and docketed 'Exitus Wardour'.

³⁵ After the reforms of Stapleton in the reign of Edward II, before one of the barons only. Cf. P. R. O. *Lists and Indexes*, xxxv, Introduction.

the Clerkes of the Pell did fill up the *unde respondebit* in the Pell of Exitus with theis wordes *Et respondebat in Compoto suo ad Scaccarium Rotulo xi, Rotulo compotorum de anno xi Edwardi tertii . . .* The Accomptant is much injured for that this antient orderly course is not nowe so effectually observed for his discharge as in former times it was, for nowe no Accomptant doth fetch any *constat* from the Clarke of the Pells certified out of the Pell of Exitus that his Auditor may se his charge by record. Neither doth the King's Remembrancer see any Prest Accompt or receive the bag of particulars, neither is there any Prest Accompt brought to the Treasurers Remembrancer's Office whereby he may send out proces as cause shall require, neither doth the Clerke of the Pipe enter any of the said Prest Accomptes of Record, as by the duetie of his office for his Majesties more assured service he ought to doe, neither is the *unde respondebit* discharged against the Accomptant in the Pell of Exitus which maie in time bringe great molestacion and expences to the Accomptant and his heires. And the officers *videlicet* the King's Remembrancer, the Treasurers Remembrancer, the Clerke of the Pipe, and Clerke of the Pells are much hindred in the credittes and dueties of their services.

Fanshawe sums up clearly the objects aimed at in the earlier system and the dangers of departing from it :

the Particulars and accomptes being thus declared and passed according to the auncient course they shall have the ordinarie controlement as others have, by remayning in the severall custodies of others then those that made them, as the particulars in one office, and the accomptes in another, and by beinge briefelie entered with both the Remembrauncers of Record so as no alteration can be made, which sorte of Compntrollement seemeth by all presidentes to have byn used as necessarie in the whole course of that service from the beginninge.³⁶

The same principle is laid down in an explanation of the nature of an account in a manuscript of the reign of James I :³

Both the auncient custome of this Court, and the common lawes of this Kingdome doe require that all accounts shall be made upon oath and declared before some judiciaall officers therunto appointed. And after declaracion come to the viewe of the Kings and Treasurers Remembrancer, And lastlie to the custodie and controllement of the Clerk of the Pipe, who is to give allowance of the same if the dedications by tally or otherwise . . . will endure the touch.³⁸

There were then a considerable number of complaints after 1560 that the Prest accounts were not passed according to the

³⁶ State Papers, Dom., Eliz., cclv. 62.

³⁷ 'A Reconciliation made between the King and his Subjectes touching the Demaunde of his Right in old Debts' (temp. James I) : Cotton MS., Titus B. IV, fo. 1 ff. Other copies are in Add. MSS., 11764 and 25250.

³⁸ There is a marginal note to this : 'the nature of an account, *rub. et niger in se[ac]c[ar]io.*' It is to be noted that the seventeenth-century Exchequer men, in their explanations of the 'nature of an account' and 'the Ancient Course of the Exchequer', tacitly omit the Sheriff's Pipe Roll account as a thing apart.

'Ancient Course' of the Exchequer.³⁹ In 1597, probably as a result of the representations of Fanshawe, the Auditors handed over the accounts to the custody of the Clerk of the Pipe. After this complaints continued to be made that the accounts did not pass through the offices of the two Remembrancers. It was not until Juxon's Treasurership (1636-41) that an Exchequer order was drawn up 'concerninge the entring of the Great Accomptantes Accounts with the King's Remembrancer'.⁴⁰ The cause of the order was stated to be that the King's Remembrancer, being kept in ignorance of the state of the accounts in question, was neither in a position to make process against the accountants to force them to come to account when they were in arrears, nor to cease process when the accounts were duly settled.⁴¹ This point had been urged by Fanshawe in his memorandum to Elizabeth. The order runs: 'the said ancient course hath beene disused and discontinued and the said accomptes⁴² have beene carried to the Pipe Office and never brought to the office of the Kings Remembrancer nor in [*sic*] the office of the Lord Treasurers Remembrancer as all other accomptes of that nature have formerly used to bee . . .'

Certain points appear from or are suggested by this succession of documents relating to the Auditors of the Prests. It is clear that a new system was introduced into the Exchequer in 1560 based on that which had been used in the Court of Augmentations and Revenues. It is also probable that the two Auditors of the Imprests were from the first intended to have a position superior to that held by the seven Auditors of the Exchequer, in that their yearly fee was 100 marks as compared with the £20 of the other auditors.⁴³ The accounts taken by the Auditors of

³⁹ See a specimen addressed by Fanshawe, State Papers, Dom., Eliz., cclv. 62 (1595?): 'Maie it please your highnes moste gracious soveraigne myself your Majesties most humble servant and Remembrancer with some other of the best experienced in that Courte seeing the Accomptes of Prestes and some other greate Accomptes to be made kept and used and debtes thereupon growing be delayed after an undue course to your Majesties losse and the hindrance of your Majesties Accomptautes, as wee then thought did about xxth yeres agoe upon conference amongst our selves, sett downe proofes that those Accomptes ought to have byn made kept and used according to the auncient course of that Courte.'

⁴⁰ 'Draught of an order concerning the entring of the Great Accomptants Accounts with the Kings Remembrancer:' L. T. R., Miscellaneous Books, 118, fo. 230. This is the same precedent book from which the list of accountants on p. 42 is taken. ⁴¹ *Ibid.*

⁴² The accounts are specified in the order as 'The Treasurer of the Chamber of our Sovereigne Lord the King, the Master of the Great Wardrobe, the Surveyor Generall of the Victualls for Sea Causes, the Treasurer of the Navy and diverse other Great accomptantes to his Majestie.'

⁴³ Judging from the pensions allowed, the contrary seems to have been the case in the Court of Augmentations and Revenues. At the dissolution of the court the Auditors of the Prests were each granted £40 a year, the ten Auditors of the Revenues sums varying from £200 a year (this was to Thomas Mildmay) to £50 a year, the most usual amount being 200 marks: Cotton MS., Titus B. IV, fo. 131.

the Prests, moreover, were gaining in importance with the expansion of revenue and expenditure, while those taken by the Auditors of the Exchequer were both absolutely and relatively declining. After the Restoration these latter—apart from the land revenue accounts which they took locally—found themselves mainly controlling accounts which were becoming formal or obsolete—namely, the sheriff's foreign account and the accounts of the collectors of subsidies—fifteenths and tenths having already fallen into complete disuse.⁴⁴ Then there was a tendency to entrust new types of account to the Auditors of the Prests. This is seen in the case of the accounts of the farmers and collectors of the Customs, who after 1604 replaced the customers as accountants at the Exchequer. The tendency of Exchequer officers was to resist all innovation, so that a consistent pressure was exerted to subject the new system to the same checks as the old. It seems probable that the intention of the change was to substitute a more thoroughgoing declaration, and a fuller and more explicit type of account for which two auditors were jointly responsible, for the old system of check and countercheck by the retention of the bag of particulars and the multiplication of entries.

The conservatism of Exchequer officers was a natural consequence of their conditions of service and is clearly expressed in their writings. For instance,

the orders and rules for the governance of the king's revenewes in the Exchequer being by the wisdom of our ancestors thus settled and regulated and sondry strict provisions and declaracions having theruppon byn from tyme to tyme made for the due observacion thereof by each officer that none should presume to violate and infringe the same in the least, it was to that end decreed and ordered that none but sadd men such as had byn bredd and brought upp in the said court from their youth, should be admitted to buy any of those places concerning the charging and discharging of the kings revenues.⁴⁵

And again :

Beholde then the quintessence of all invension in the methode of this Court . . . soe perfect it is in all points that the best witts cannot finde what to adde or take awaie in anie particuler without injurie to the whole.⁴⁶

⁴⁴ The Auditors of the Exchequer, however, took the accounts of the Land Tax and Assessed Taxes which superseded the subsidy : Thomas, *The Ancient Exchequer*, pp. 84-5.

⁴⁵ 'The Platforme of the Exchequer The Abuses and the Remedyes,' Harl. MS. 3796, fo. 1 ff. ; endorsed 'rece[iv]ed] May 27th 1635.'

⁴⁶ 'A Reconciliation made between the King and his Subjectes touching the Demaunde of his Right in old Debtes' (temp. James I) : Cotton MS., Titus B. IV, ff. 1-6. See also the preamble to a schedule of inquiries touching abuses directed to the officers of the Exchequer a little later : 'That since we finde by daily experience that the king and subject are alike wronged if the Ancient Course and Ordinances of the Exchequer be not observed. And that it is conceived the witt of man cannot invent

Moreover, the system of Exchequer fees made changes in the direction of simplification almost impossible. A fee was paid for each entry and enrolment, so that the two Remembrancers and the Clerk of the Pipe suffered direct money loss from the omission of entries of accounts in their offices. The losses were the greater hardship in that offices in the Exchequer were bought, and were in the nature of a freehold, the value of which was based on a computation of the annual fees taken from accountants and others.⁴⁷ The Queen's Remembrancer, Fanshawe, had thus a pecuniary incentive to his protests against the innovations in the Prest Accounts over and above the natural conservatism of the Exchequer official.

It should be noted that there is nothing in any of these Exchequer orders and descriptions of Exchequer methods which explains the paper duplicate of the account preserved at the Audit Office. It is not referred to in the correspondence between the Auditors of the Prests and Burghley relating to the handing over of the accounts to the Pipe Office. On the contrary, the auditors plead

that if the said Recordes nether shalbe impayred in credite of the true purporte thereof by remayninge with us nether yet shoulde adde anie more force of trueth if they were transposed from us into an other mannes custodie,⁴⁸

a contention which would have had no force if the Audit Office copy had existed at that time. What does appear from that correspondence is that the Auditors of the Prests had, down to that time, kept the accounts compiled by them and were thenceforward obliged to hand them over on completion.

They had, however, probably always made two copies of each account, one being a duplicate for the accountant. Fanshawe urges that accountants

should not be forced to take duplicamentes, as nowe is much unnecessary tyme is [*sic*] spent and the accomptants . . . put to greate chardge by longe attendance and the making of those longe accomptes with their duplicamentes.⁴⁹

The explanation which suggests itself is that after 1597 the Auditors of the Prests consistently made three copies of each

a better way for preventinge the knowne mischiefes and inconveniences of that Court then to restore and renovate the Auncient Course of the said Court bounding it there with stricte limitacions and penalties and abolishing all innovacions lately crepte into the same': L. T. R., Miscellaneous Books, 118.

⁴⁷ Compare a discussion in the House of Commons on a bill to reduce the fees of Exchequer officers, 20 May 1614: 'Mr. Ashley . . . that both inconvenience and danger in these bills. Inconvenience in taking all fees which the freehold of the officers': *Commons' Journals*, i. 490 b.

⁴⁸ Lansdowne MS. 83, no. 78.

⁴⁹ State Papers, Dom., Eliz., cclv. 62.

account, one for themselves on paper, the Audit Office copy, one for the Pipe Office (which was strictly speaking the record), and one for the accountant, the last two being on parchment. This had certainly become their settled practice by the end of the seventeenth century.⁵⁰ An examination of the Record Office List of Declared Accounts shows that in the case of accounts made up after 1597 both Pipe and Audit Office copies are usually found, while before that date, in many classes of accounts, there is as a rule either a Pipe Office or an Audit Office copy, but not both. In some classes, however, duplicates are frequent from about 1560 onwards—for instance, in the accounts of the Hanaper, of the Navy, and of the Treasurer of the Chamber. What is the explanation of such duplicates? Possibly they are the copies made for accountants which were never handed over to them, either from some accident or because the required fee was not forthcoming. It is also a fact that one of the puzzles connected with English records is that there are a certain number of unexplained duplicates in most large classes of documents.

It appears, then, that the type of account which became known as the Pipe and Audit Office Declared Account is the resultant of several distinct forces. At first the innovations of Henry VII and Henry VIII removed certain classes of account from the normal routine of the Exchequer and led up to the methods of the Court of Augmentations and Revenues. Then the methods of this court were designed by Elizabeth to be introduced into the Exchequer. These methods included a new manner of spacing and arrangement in the text of the account, a declaration before the chief officers of the Court, and probably the delivery to the accountant of a duplicate of his account, this last being apparently a substitute for the *quietus est* of the earlier system.⁵¹ The protests of the 'Exchequer men' succeeded in bringing these new methods partially into line with the 'Ancient Course

⁵⁰ See a Treatise on the Exchequer by Mr. Lionel Herne (first Clerk to one of the Tellers, died 1714): 'For every accomptant they make three accompts which are by them engrossed . . . and signed by the Lord Treasurer and Chancellor . . . whereof one is for the party another for themselves and the third is to be delivered into the Pipe Office where it is to remaine for a Record,' Harl. MS. 3278. Compare also a Petition of the Auditors of the Prests, 28 July 1691, Harl. MS. 6837, fo. 1: 'the severall accounts before mencioned (except those of the Tenths of the Clergie) . . . are once faire written in paper, and twice engrossed on parchment.'

⁵¹ The duplicate seems to have been a substitute for the *Quietus est* which was a copy made in the Pipe Office of the summary enrolment of the account on the Pipe Roll. Fanshawe complains that as there was no entry with the Clerk of the Pipe, there could be no *quietus est*: State Papers, Dom., Eliz., cclv. 62. The writer of a pamphlet published in 1662 complains that Auditors have given accountants insignificant discharges and forced them to take duplicates of their whole accounts because they had no power to give a *quietus est*. See 'An Answer to a paper called the Case of the Auditors and Receivers of his Majesty's Revenue. With a brief description of the antient Course of the Exchequer', by W. G., London, 1662.

of the Exchequer'. They secured the handing over of the accounts to the Pipe Office, and eventually the entry of accounts with the King's Remembrancer. It may be suggested that the Auditors of the Prests themselves, in support of the security and dignity of their office, introduced the practice of making an Audit Office copy as well as the original version which from 1597 onwards was deposited in the Pipe Office.

There were then in the Exchequer after 1560, broadly speaking and omitting minor variations, three types of accounts engrossed by the Auditors in the Exchequer. There were, first of all, the surviving examples of the old foreign account—the comptus—taken according to the Ancient Course of the Exchequer. The essential features of this were that after declaration it should pass through the King's Remembrancer's and Treasurer's Remembrancer's offices, and finally be enrolled on the Great Roll of the Pipe, when the Accountant could receive his *quietus est* if his tallies were satisfactorily joined. Secondly, the accounts of the Land Revenues taken by these same auditors, each of whom had certain counties assigned to him in his patent. These accounts were taken 'Augmentation-like' and not according to the Ancient Course of the Exchequer; a thing much complained of in the seventeenth century.⁵² As time went on the Land Revenue Accounts became so much the most important part of their business that they became generally known as the Auditors of the Land Revenue. In 1706 their number was reduced to three.⁵³ Thirdly, there were the accounts taken by the Auditors of the Prests, which became known as Pipe and Audit Office Declared Accounts.⁵⁴

The question arises as to how the so-called Declared Account differs from the earlier Comptus. The difference will be plain to any one who compares a Pipe and Audit Office Declared Account properly so called with an account of the period before the innovations of Henry VII and Henry VIII, or with one of those accounts which continued to be taken by the Auditors of the Exchequer in the old way—say a Sheriff's Account of Seizures or an Account of the Cofferer of the Household. The Declared Account is written in a different hand and is arranged much more clearly,

⁵² For instance, in 'A Short Introduction to the better understanding of the Exchequer' (temp. James I), Add. MS. 36081; Vernon, *Considerations for regulating the Exchequer*, printed in 1642; 'A Reconciliacion made between the King and his Subjectes touching old Debtes' (temp. James I), Cotton MS., Titus B. IV, fo. 1; 'An Answer to the Case of the Auditors and Receivers of his Majesty's Revenue,' by W. G.; 'Arguments to prove that the Accounts,' &c., State Papers, Dom., James I, lxvii. 169.

⁵³ Thomas, p. 125.

⁵⁴ The Auditors of the Imprests were succeeded in 1785 by the commissioners for auditing public accounts: *First Report of the Committee on the Public Records*, 1800, p. 132*b*.

this clearness being chiefly due to spacing and the use of long brackets with marginal figures. But the essential distinction is that the Declared Account is signed at the foot by the two Auditors of the Prests in the following form :

Ex^r per nos Ri: Sutton }
 Fra Gofton } auditores.⁵⁵

The earlier type of account is headed by the names of the baron before whom the account was declared and of the auditor who made up the account. These names are not signatures, but are written in the same hand as the text of the account in the following way :

Auditores { Robertus Malton, Baro.⁵⁶
 Thomas Beneyt Clericus.

The two types of account, as we have seen, continued to exist together ; the differences of form were a natural outcome of the fact that each had its origin in a different office of the Exchequer, with a different tradition, methods, and handwriting.

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⁵⁵ Pipe and Audit Office Declared Accounts, James I, *passim*.

⁵⁶ Thus Exchequer Accounts K. R., bundle 215, no. 4, a Hanaper Account, 1-2 Henry VI. The later accounts of the Cofferer of the Household are headed by the names of the Treasurer, Chancellor, some of the barons (who are all bracketed *auditores*), and by two Auditors of the Exchequer bracketed as *clerici*. Thomas says that these accounts were taken in full court, *op. cit.*, p. 85.

King Christian VII

THE reign of Christian VII¹ was one of the most prolonged and momentous in the history of Denmark. Between 1766 and 1808, her future as a free and renovated nation separated from Norway was prepared ; and, since the age of Canute, no Danish reign has been so closely connected with England. A grandson of George II, wedded in the year of his accession to a sister of George III, the king early displayed strong leanings towards this country. In 1768 he paid our court the rare and unwelcome compliment of a visit, explored the island from Dover to York, and charmed the London mob. Less than four years later, the imprisonment of his queen brought the two countries to the verge of war. But Christian had by that time shrunk into a phantom who existed only to sign the decrees of others, and the troubles produced by his personality died away. Deeper causes of opposition were, however, latent, and the armed neutralities, Nelson's victory at Copenhagen, and the tragic collision of 1807 found him still upon the throne.

A lunatic for the last six-sevenths of his so-called reign, during its earliest years Christian earned the reputation of a rake. Yet there is abundant evidence that he impressed contemporaries as highly talented, and not a little that he showed ambition to use his talents well. One brief epoch of his reign, between the downfall of the elder Bernstorff in September 1770 and the revolution of January 1772, produced more and weightier royal decrees than Denmark had known in five centuries, and, it must be added, more tokens of rebellion than she displayed under the autocracy, before and after. This was the period of the king's association with Struensee, the queen's paramour and his own indispensable guardian and servant. The relations between king and minister form the central problem in a very curious and perplexing history. The instructed world came finally to the conclusion that Struensee originated everything and maintained a complete tyranny over his royal master. But they accounted for this by the assumptions of a joint treason

¹ Where no source is named, the source is usually the State Papers (Foreign) in the Public Record Office in London or the documents of the Inkvisitionskommission in the Rigsarkiv at Copenhagen.

with the queen, of the unlawful use of drugs, of terrorism and of espionage, all of which were baseless. Struensee, on the other hand, while admitting that during the later part of his ministry he and the queen were struggling to conceal the king's collapse, stedfastly maintained that during the earlier and by far the more fertile period 'the most important changes and institutions proceeded from the king or received his assent after he had mastered them'.² Late in 1771, he assured Reverdil, once Christian's tutor, then the sorrowful witness of his daily ravings, 'that the king was the real author of the reforms, adding, "I would not say the contrary under the torture"'.³ Shortly before his own death, when it had become clear that he had only a few weeks to live,⁴ he wrote in his *Defence*⁵ a detailed account of the course of business in the cabinet, again asserting that for a time the king had worked eagerly and to good purpose. And on the eve of his execution, when he was striving to atone for his sins, he solemnly assured Christian's new guardians that the man whose delusions and decline he then for the first time described without reserve had worked with diligence, zeal, and enjoyment for more than eight consecutive months.⁶

The aid that may be gained towards solving the mystery of Struensee, as well as his own strange place in history, therefore lends interest to any additions to our knowledge of Christian VII. Such may be found in the series of dispatches from and to the English ministers at Copenhagen prior to the royal journey of 1768, and in the documentary records of the commission of inquiry which followed the palace revolution of 1772. The former have been in part disclosed by Von Raumer⁷ and W. H. Wilkins,⁸ and the latter notably by Lassen,⁹ but only in fragments and from a different point of view.

² Struensee's *Beretning*, in N. Lassen's *Den Struensee'ske Proces (Tidsskrift for Retsvidenskab, 1891)*, p. 255.

³ E. S. F. Reverdil, *Struensee et la Cour de Copenhague 1760-72* (ed. A. Roger), p. 288.

⁴ B. W. Münter, *Bekehrungsgeschichte des Grafen J. F. Struensee* (trans. Wedeborn), *passim*. Uldall, with incomparably less opportunity for judging, held a contrary opinion. But Struensee's hint that the arrest of the queen shattered all his hopes is highly credible, and the internal evidence of his *Defence*, which could please no one in power, affords powerful corroboration.

⁵ J. K. Høst, *Struensee og hans Ministerium*, iii. 122, &c. G. F. von Jenssen-Tusch, *Die Verschwörung gegen die Königin Caroline Mathilde, &c.*, also prints the *Defence*, but with countless deviations from the original.

⁶ Struensee's *Beretning*, in Lassen, *op. cit.*, p. 254.

⁷ *Europa 1763-83* (Leipzig, 1839).

⁸ *A Queen of Tears*, 2 vols. (London, 1904).

⁹ The speeches, judgement, &c., have been several times published. E. Holm, *Danmark-Norges Historie under Kristian VII*, has utilized also the evidence and the confiscated correspondence. These form the basis of Provst L. Koch's article, *Struensee's Parti (Historisk Tidsskrift (Copenhagen), vi. 5)*.

At the end of March 1765, on the occasion of his confirmation, Christian emerged for a moment from the seclusion of a dismal education to delight all beholders with his theological acquirements. From this time until the royal journey of 1768 our diplomatic representatives at Copenhagen were Titley, Cosby, and Gunning. Titley, a fine scholar, and a man of real benevolence, could speak of Denmark with the authority and judgement gained by a ministry of nearly forty years. But since 1746 he had been chiefly in relations with the *bon vivant* Frederick V, who never dismissed one of his own servants, and with Bernstorff, the soul of courtesy and kindness. In such an atmosphere vigilance relaxed. Titley's diplomatic secrets were confided to his valet, and the information transmitted to England was derived from a suspected partisan of France.¹⁰ His advancing years and infirmity brought about a curious duplication of his post,¹¹ which first Cosby and afterwards Gunning came to share. Cosby's health broke down in the then notoriously unwholesome capital. In November 1765 Gunning was appointed in his place, and for some time before Titley's death, which took place in February 1768, he bore the weight of English interests. Like others of their profession in that age, these men saw France everywhere and held it as the first article of faith that the prince to whom they were accredited ought to combine with England against her without material inducement. Gallophobia was to them a religion which instantaneously sanctified the convert. They were embarrassed by the facts that the Danish army was contemptible and that Denmark had little interest in following their advice. Her aims were to obtain an undivided dominion in Holstein, to guard her rights in the Sound, and to keep Sweden weak, and from these the world-struggle between France and England, if not entirely foreign, was at least remote. Subsidies indeed were always welcome at Copenhagen. But so small was the power of Denmark that France and Prussia almost dismissed her from consideration.¹² The English Government showed an equal sense of her insignificance,¹³ but our representatives at Christian's court addressed themselves with zeal to their somewhat thankless task. They were able, loyal, truthful men, endowed with a fine objective sagacity in forming their opinions and the prose style of their century in expressing them.

¹⁰ Gunning, 28 May 1768.

¹¹ This has betrayed F. Schiern (*Bidrag til Oplysning af Katastrophen den 17de Januar 1772*) into a double error (*Hist. Tidssk.* iv. 2. iii. 691).

¹² Cf. Comte E. de Barthélemy, *Histoire des relations de la France et du Danemarck (1761-70)*, 252, 259, 262, 273, 277; and *Politische Correspondenz Friedrichs des Grossen*, vol. xxv, Frederick to Borcke, 26 July 1766, and habitually.

¹³ e. g. Conway, 19 December 1766, appreciates Saldern's '*baton a la main* Politicks. . . . He has a weak country and in Bernsdorff I believe a timid Minister to deal with.'

The irrepressible praise due to all friendly princes flowed from the pens of both Cosby and Titley after Christian's first public appearance at his confirmation. Cosby, who knew no Danish, could only admire 'the masterly ease and dignity with which he expressed his sentiments' in a discourse of more than two hours.¹⁴ According to Titley he 'discovers the greatest Humanity and Goodness of Disposition and is also distinguished by a most lively Understanding, which has been carefully cultivated in a Noble, Rational Way'. Titley believed that the declaration of faith was entirely original.¹⁵ To this, which indicates how little was known of the crown prince,¹⁶ we may assign less weight than to the ominous mention later in the year of 'the great Ardour and Vivacity of his youthfull Temper'.

After Christian's accession, however, Titley adds solidity of understanding, diffidence, temperance, diligence, and independence to the list of his qualities,¹⁷ while the cooler Gunning was impressed by the ability and discernment of the young king.¹⁸ Before the reign was a month old, Christian had entered upon a course of independent activity, and our envoys had seized the opportunity of attempting to establish a closer connexion with England. The king's associate and their ally¹⁹ was his cousin, Prince Charles of Hesse, soon to be endowed by Christian with the hand of his favourite sister. The king desired to reform his army; the prince, to command it; the English envoys, to secure its future services against France.²⁰ Their position as representing the country of Christian's bride-elect gave them a certain title to special intimacy, but they were unmistakably astonished by the warmth with which he entered into their views. On 13 May, Titley sent to the duke of Grafton an 'apart and most secret' dispatch, which throws strong light upon the king at the outset of his reign.

Last Sunday evening I waited upon His Danish Majesty, and found Him in the Chamber of Audience Alone. I had no sooner paid Him my Compliment of Thanks, than He began to talk of the English Alliance, expressing great Satisfaction at That of His approaching Marriage, and intimating His Hopes also of some farther Connection of a Political Nature. Upon this I took occasion to lay before Him, at large and in the best manner I could, the advantages of that Alliance, representing it as the most natural and Best of any for His Danish Majesty, especially in the present Circumstances. He agreed to what I said, and spoke His Sentiments in favour of England roundly and frankly, and in much

¹⁴ Cosby to Sandwich, 2 April 1765.

¹⁵ 23 April, 1765.

¹⁶ Cf. Reverdil, *op. cit.*, *passim*. But in 1786 von Berger could praise his education: *Hist. Tidssk.* viii. i. 82.

¹⁷ Titley, 18 and 21 January, 4 February, 15 March 1766.

¹⁸ 3 July 1766.

¹⁹ Cf. Gunning, 20 December 1766.

²⁰ Titley, 21 January (no. 2), 26 April.

stronger Terms than I could well have expected. From general Discourse He came by degrees to touch upon the means of bringing the Two Crowns into a particular Agreement immediately, and at last insinuated, That He wished my Court, in favour of the ensuing Marriage, would make the Proposal to Him of a Defensive Alliance (and even an offensive One, if it was judged proper) with the Offer of a Subsidy, in consideration of which He would furnish an Assistance, when required, either in Troops or Ships of War, as my Court should think fit. But he earnestly desired that it might not be known to any of His Ministers, either here or at London, that He had talked to me upon this subject. He did not conceal His dislike of the measures pursued in the last Reign, speaking very freely, and very justly, of His Ministers,²¹ whose Characters He is perfectly well acquainted with. Among other things He said, They were full of Difficultys and Dissimulation, which was owing to Their Timidity ; but for His own Part He was Free and Open, and should never be afraid of War, tho' He never would undertake an Unjust One.

Titley urges that any negotiation should pass through the hands of the ministry, to whom the king has already hinted his inclination for England, but that by secret communications Christian should be placed in a position to control them. He adds

that this Prince, who discovers good Sense, right Judgment and greatness of Mind to a surprising degree for One so Young, seems resolved to be thoroughly Master of his Affairs, and to decide upon them finally Himself ; tho' to chuse the best Counsellors and follow the best Counsel, He says, shall be His constant Endeavour.

Throughout the remainder of the year, English diplomacy, guided to some extent by the financier Schimmelmann,²² aimed at acquiring the Danish alliance without any sacrifice of gold. The king and Prince Charles were soon to be reinforced by the domineering Saldern from Russia and by the new queen, Caroline Matilda, from England. But our insuperable difficulty was to find Danish ministers who did not lean towards France, while Bernstorff refused to contemplate any fresh connexion until ducal Holstein should have been acquired by a treaty of exchange with the imperial house of Russia. Of the king perhaps the most important fact is that Gunning, who did not hesitate to style him ' too apt to receive impressions from those about him and to resign his own opinions to theirs ',²³ yet opined that he could hold his own on so important a question of national policy, even if his ministers gained Prince Charles.²⁴

About midsummer, Christian's intimacy with the English envoys was at its height. He confided to Gunning the secret of

²¹ Cf. Charlotte Dorothea Biehl's *Breve om Kong Christian VII* (ed. Bobe), p. 25.

²² Conway, 16 September.

²³ 3 July 1766.

²⁴ 4 October 1766.

his sister's betrothal, discussed the matter in private with both envoys, and gave vent to the most uncalculating enthusiasm for England.²⁵ On 19 July Gunning reports that the king with great secrecy and difficulty is about to summon the fiery Count Danneskjold to office and to dismiss the Francophile Moltke. Six weeks later, in an audience of between two and three hours, Christian revealed his ambition to be his own minister and to win distinction. 'He told me', Gunning reports, 'he loved to be plain and open; it was not by little Intrigues men became great.'²⁶ This conversation, indeed, may have owed something of its warmth to a previous interview with Prince Charles. On 2 September Gunning writes 'most secretly' to Conway:

Your Despatch of the 12th of August, giving me an occasion of Executing his Majesty's orders, with regard to *Prince Charles of Hesse*, in a manner that I knew would be highly acceptable to his Highness, I lost no time in obeying them. The Prince expressed his Sense of this Instance of His Majesty's Goodness and Affection for him in the most gratefull terms, begged I would desire You to lay him at his Majesty's feet, and to assure him in the most respectfull Manner of his Inviolable attachment to his Person and his Interests, at the same time he desired that I would assure you Sir, of his particular regard for You he having had the pleasure of knowing You some Years ago at the Hague.

It was followed by the dismissal of Moltke, and the recall of Danneskjold 'to look into the affairs of the Government in general'. On 9 September Titley reports that all is now ripe for a definite alliance with England. In the week following, Prince Charles was twice commissioned by the king to give satisfactory assurances, although a cash payment still seemed indispensable.²⁷ Gunning used the two-edged argument that a subsidy was 'trifling', while Titley, citing the precedent of Amaziah, argued that at least troops might be hired out to a friendly power.²⁸

In the winter, however, the favourable prospect faded. The young queen arrived, but was carefully cut off from any intercourse with England. Saldern proved to be a noisy bully and brought instructions to support Bernstorff. Danneskjold lacked the necessary versatility to be of use to England. Towards Prince Charles, Christian showed a sudden coolness, and finally dismissed him by word of mouth. Above all, the king's own character underwent an unfavourable development. Little of this appears in the official dispatches, although Gunning alludes to some 'anecdotes' which he is sending privately.²⁹ But the alarm of the Danish ministers at their master's disposition to

²⁵ 21 June and 7 July 1766.

²⁷ Gunning, 13 and 16 September 1766.

²⁸ 2 September and 18 November.

²⁶ 2 September 1766.

²⁹ 4 May, 1767.

look into his affairs and at the impenetrable secrecy of his resolutions is mentioned, as are also their expedients for averting his interference. So early as 7 July 1766, Gunning reports that the recall of Count Rantzau, one of the most amusing rascals who ever disgraced great talents³⁰ and a great name, had been procured by the ministers to oppose him to Prince Charles. In November he makes the specific statement that those around the throne are endeavouring to distract the king by pleasures.³¹ In February 1767 the promotion of the infamous Sperling³² to be colonel after only a few months' service calls for comment, and next month we begin to hear of 'anarchy'. When even the courteous Titley speaks of the volatile temper and inexperience of a young sovereign and declares that the only hope for order lies in time and the admirable prudence of the queen,³³ while Gunning indicates alarm at the king's neglect of his health,³⁴ it is clear that we have entered upon a chapter which it is not necessary to follow line by line. It abounds, however, in tributes to Christian's talents and in instances of his power to gain his point when he could bring himself to make up his mind.³⁵ Gunning attributes to Mme de Plessen the queen's failure to captivate her husband, but indicates that to some a happier marriage would have been unwelcome.³⁶ English influence assisted towards her dismissal,³⁷ but proved powerless to check the king's unprecedented and alarming project of a tour abroad. On 2 May 1768 Gunning, now sole English envoy at Copenhagen, wrote a familiar note to W. Fraser :

You will probably see — this summer. He is now as opposite in all respects to what he promised at his first setting out as is possible. Parts, however, are not wanting. I dread the consequences of the present project ; though contrary perhaps to our expectations some good may result from it.

In January 1769 Christian returned to his queen and capital, a sober and decorous prince.³⁸ Gunning at once remarked on

³⁰ Cf. *Hist. Tidssk.* viii. iv, *Tillægshæfte*, 16 f., Holm, *op. cit.*, ii. 11, and his own handling of the peasant question.

³¹ This grave indictment was often repeated by the English ministers. Holm (ii. 5) denies even that the council kept Christian down, but Uldall, who ably defended the queen and Struensee, but postponed his own marriage until their rule was over, was among those who made the more serious charge. Cf. Chr. Blangstrup, *Christian VII og Caroline Mathilde*, p. 219.

³² Cf. V. Christiansen, *Christian den VII's Sindssygdøm*, p. 44, for the sinister significance of his second favourite.

³³ 4 May 1767.

³⁴ Also on 4 May. Cf. Blangstrup, *Christian VII og Caroline Mathilde*, pp. 217, 218.

³⁵ On 5 September 1767 he states that the king's often expressed desire for a cabinet minister, which Bernstorff and Schimmelmann frustrated, had almost caused the former's fall.

³⁶ 16 February 1768.

³⁷ Weymouth, 18 March 1768.

³⁸ Cf. Rosenkrantz, *ap. Blangstrup, op. cit.*, p. 234.

his 'happy ease and complacency', and politely ascribed the transformation to his intercourse with George III.³⁹ To Rantzau's delighted friends he appeared lovable and beloved, healthy, even grown.⁴⁰ Struensee, whose labours to promote the king's health and comfort were incessant and sagacious,⁴¹ seemed already to have gone far towards fulfilling the prophecy, 'Two years and you shall see that we will make the best of all rulers', which he had uttered on taking office.⁴² But the modern expert in mental disease maintains that

closer analysis . . . discovers unequivocal signs of mental deterioration which already, before the king had completed his eighteenth year, had gained such strength that every serious occupation was to him only a burden, and all initiative on his part which demanded endurance or tenacity may be regarded as out of the question.⁴³

The disease, *dementia praecox*, from which Christian is stated to have suffered, is progressive. Nearly two years later, therefore, his impotence should have increased. It was about this time, however, that according to Struensee his political activity was greatest. This alleged activity took place within the royal cabinet, which was entered by Struensee alone. Did he speak truth or falsehood? Full proof is unattainable, but a brief survey of the evidence of those persons, other than Struensee, who were then about the king should contribute towards a judgement.

In such a case circumstantial evidence is often more valuable than direct assertion, while the argument from silence may be dangerous in the extreme. Insanity, in the opinion of the age, was closely akin to crime, and to speak ill of the Lord's anointed ranked with blasphemy and treason. That Bernstorff and his nephew exchanged many long and intimate letters on public affairs without hinting that the king was mad might prove nothing more than their scrupulous fidelity to their master. General Gähler, for example, received from his brother a frank refusal to risk compromising a placeman in Copenhagen by writing plainly. So well did he succeed that a long series of his letters leaves the reader in real doubt as to whether, in his warm professions, he was ironical or sincere. The conventional tributes to the royal wisdom which stud the dispatches of diplomatists and the letters of royalists may be almost entirely ignored.

³⁹ 7 'January' (? February) and 18 February 1769.

⁴⁰ To Gähler, 6 January 1769.

⁴¹ This appears to be beyond doubt. But contemporaries after 1769 believed the exact opposite, and modern historians express surprise that Struensee should regard himself as in any sense a faithful servant. Cf. Molbech, *Til Christian VII's Historie*, p. 717; Holm, *op. cit.*, ii. 309.

⁴² *Hist. Tidssk.* viii. 1. 173. As to the date, Høst (i. 98) and Lassen, p. 246; are in error. Cf. Aage Friis, *Bernstorffske Papirer*, i. 491, &c.

⁴³ Christiansen, *op. cit.*, p. 20.

A considerable number of those who knew Christian during Struensee's rise to power, none the less, have left valuable testimony with regard to his health and powers at that time. Gunning, in spite of 'the so great difficulties of forcing that Intrenchment which has been lately so artfully raised about their Dan: Maties',⁴⁴ proved surprisingly prescient and well informed. On 1 December 1770 he ascribes the arrest of Warnstedt on his return from Russia to the advice of the prince royal of Sweden, who found it politically necessary 'to prevent his relating to the king his Master the conversation he had with Monsieur Panin'. A still more unequivocal indication that Christian remained a factor to be reckoned with in foreign policy is afforded by his dispatch of 23 March 1771. Finding Count Osten, the minister for Foreign Affairs, an apparently sincere ally of our policy in Sweden, he preferred consulting to sounding him with regard to Danish co-operation in corrupting the Diet. By Osten's advice he addressed himself to 'the Favourite'. Struensee discussed the matter with him and appeared to be impressed by his demonstration that while Denmark was impotent by land and sea, she might avoid a heavier outlay by paying such an insurance premium against war. Clumsiness with the cipher cannot disguise the significance of what follows.

He said that the king did not design to withdraw himself from all share in the Expence of the Dyet, but that he would not bear so great a Burthen as he had hitherto done, and desired I would talk to M. D'Osten. This I did as soon as he returned from Court where he had dined. He told me that my Conference had already produced some effect, nay more than [wrong Figures] from himself had yet done, that Baron Guildincross had been named to go to Sweden, instead of Mons^r Pless, and that without consulting either M. Gheler or M. Ranzau, that the King asked him, M. D'Osten, wherefore England interested herself so much in the Affairs of Sweden and put herself to any Expence there and upon his acquainting M. Schuwaloff that it was to avoid a much greater inconvenience, that of sending a Fleet into the Baltick to protect the English Trade, and to prevent France from dictating to the Northern Powers, which She would infallibly do, if her Party succeeded. He seemed somewhat affected, and consented, that M. Rosencrantz the present Secretary of Legation at Stockholm should remain there till after the Dyet.

Osten's narrative goes far to discredit the contention that the king when he wrote the famous instruction to Guldencrone was the unintelligent amanuensis of Struensee.

Gunning, however, lived outside the king's family and has but little influenced his reputation. The memoirs of Reverdil, on the other hand, from their lucidity, brilliance, and patent honesty have contributed more than all else to discredit Christian's

⁴⁴ To Rochford, 16 September 1770.

ability and Struensee's good faith. No one enjoyed more unreserved and universal esteem than the Swiss philosopher. No one stood nearer than he to the king, both from 1760 to 1767 and again from September 1771 to the January revolution. And when he speaks of himself as being in 1771 inveigled 'au plus triste des emplois, celui du gardien d'un fou', and states that the king in his best days had penned only what was dictated to him almost word by word,⁴⁵ he may seem to leave us no alternative but to write down Struensee a liar. There are limits, however, to the authority even of Reverdil. His portrait of himself and the king remained undrawn until he was growing elderly and until Christian's affliction had been notorious for some twenty years. The autobiography, with its reconstruction of verbal duels, must be in part an effort of imagination. Either deliberately or by strange want of memory, he minimizes his earlier intrusions into politics,⁴⁶ and ignores both an important quarrel with the king and an effort to regain Christian's favour.⁴⁷

His dictum that the king could not compose a letter runs directly counter to that of keen-sighted Madame de Plessen, who inferred from the hypocritical and sarcastic style that the missive cashiering Bernstorff was certainly Christian's own.⁴⁸ Reverdil's contemporary accounts, moreover, differ from his recollections. He wrote to Rantzau in 1767 that he would have been highly satisfied with his old pupil but for certain inexplicable hobbies, and to the Baron de Prangins, three weeks before the revolution: 'quoique la médaille ait bien son revers, je ne dois pas regretter d'être venu.'⁴⁹ On 13 March 1772 Woodford transmitted to his government, from Hamburg, Reverdil's opinion that the king's lucid intervals lasted too long for a regency to be justifiable. 'He says His Majesty is sometimes for a whole day perfectly sensible and well, after that and at times he falls into a low hypochondriacal way which makes him unfit for anything, and that, according to him, is the whole of His Majesty's imbecility.'⁵⁰ Perhaps the strongest argument in favour of Christian's reputation is that, with his unique sources of information, Reverdil accepted the invitation to return.

Reverdil, however, lived a thousand miles from the king at the time with which we are concerned. Bernstorff, on the other hand, the man who proved that it was possible to be at once

⁴⁵ Reverdil, pp. 258 and 164.

⁴⁶ This, the opinion of Herr Axel Linvald after examining the Reverdil MSS. at Geneva, is borne out by many scattered indications, e.g. the simultaneous dismissal of himself and St. Germain in November 1767 and perhaps also their almost simultaneous recall in the autumn of 1771.

⁴⁷ Compare Holm, i. 99, and Høier's letter of 5 January 1768; Reverdil, p. 478.

⁴⁸ Friis, *Bernstorffske Papirer*, ii. 415.

⁴⁹ Reverdil, pp. 326 and 500.

⁵⁰ State Papers, Foreign, Hamburg. 90. Cf. Reverdil, p. 381.

a consummate diplomatist and an eminent Christian, fought and lost his final battles in the royal chamber during the summer of 1770. To him Christian seemed to be the tool of the favourites, but he never questioned his understanding. How could he, when he had seen his own political apologia so strongly impress the king, after a most careful consideration? ⁵¹ His nephew and correspondent opined nearly a year later that even Struensee would not dare to propose to Christian his own promotion to the premiership.⁵²

Bernstorff's letters to his nephew synchronize with the charming undated scrawls which Madame Gähler was sending to her elderly husband from the innermost circle of the court. At a time when spectators at a greater distance were commenting on the king's pallor and lack of spirits, she tells her 'Peterkin' how he was playing seesaw on horseback with Brandt and Warnstedt, until they nearly broke their necks. 'Hier j'ai été assise à côté du Roi, il est bien portant et gai, il m'a demandé de tes nouvelles, je lui ai dit que tu regrettois ta femme, exemple assez rare', is a passage which strikes the key-note of the summer tour.

Brandt, another of the king's intimates, appears to have left no specific statement relating to these autumn and winter months. But the fact that so vociferous an egoist did not become difficult to manage until the summer following speaks strongly in favour of Christian's relative health and self-control. So also do the complaints of the crown prince of Sweden and Count Scheffer of their treatment when they were the king's guests at Copenhagen, from 23 November to 6 December 1770.⁵³ Had Christian been palpably ill or imbecile, his avoidance of intimate talk on politics and his failings as a host could hardly have roused resentment in his sister's husband.

From different reasons, the evidence of Rantzau and Gähler, Struensee's chief allies in politics during this period, is unfortunately meagre. The brilliant political parables which Rantzau wrote and which Gähler, whose instinct as an archivist overcame his habitual caution, carefully preserved, came to an end in the autumn of 1770, when the triumph of their cause united them at Copenhagen. Thereafter, although the laborious Gähler was no courtier, and Rantzau can hardly have been kept at a distance, it argues no suspicious reticence on Rantzau's part that his majesty was not discussed between them on paper. Prior to this, the unrestrained transports of Rantzau's royalism appear to have arisen from a genuine conception of Christian as an attractive and able prince paralysed by a gang of corrupt

⁵¹ Cf. *ante*, xxvii (1912), 283.

⁵² Friis, *Bernstorffske Papirer*, i. 744.

⁵³ Cf. Molbech, pp. 710-13.

ministers and their dependants. Remove these, he writes in effect on 30 June 1770, and he will feel how natural it is to him to form good ideas and how pleasant to have them carried out, 'combien il lui est aisé, avec le fond d'esprit et de vivacité qu'il possède, d'être le maître, et combien il importe à ses peuples qu'il le soit'. In setting out to disperse the clouds which have veiled the sun, he does not conceal that it was necessary 'un peu fouiller l'âme du *Sultan*, pour voir le degré de fermeté qu'on s'en peut promettre'.⁵⁴ At the same time he transmits a pleasant picture of the court on its summer tour, Sarti serenading the queen, the royal pair joining in the music, and then carrying off the serenader to the two ladies-in-waiting. His mockery of the defeated Bernstorff is less pleasant, but reveals the king entering with zest into the proposal that the queen should give the password 'Christian and Catherine' within Bernstorff's hearing.

I am not aware of any further evidence from Rantzau's pen until 20 June 1771, when, in Struensee's phrase, all had altered for the worse with the king. He then writes to Gähler :

Ce matin le roi a été se promener seul avec sa jeunesse, comme il n'y a plus de meubles dans son appartement il fait des sorties sur ceux du prochain ; ils ont fait ce matin le tour de toutes les chambres de nous autres ouvrant partout et regardant dedans, ils ont fini par oter deux fenestres des gonds et les ont jettés à bas ; cela fait rire et pleurer, il avoit l'air tout effaré à diner.

The language suggests that the king's freak was neither an entirely new thing nor one which from frequent repetition had ceased to cause surprise.

Gähler's testimony is less accessible. Rantzau very wisely kept no letters,⁵⁵ and Gähler's copies of his own have never been discovered.⁵⁶ To Marshal St. Germain, their revered leader, however, he praised with apparent sincerity both the king's principles of government and his industry. When questioned as to the latter, he replied that while he did not claim to know the inner mechanism of the cabinet, he observed that the king wrote his official decisions with his own hand.⁵⁷ He had conversed at times with his majesty upon military matters, with which the king seemed to be acquainted, although usually their conversation fell upon things indifferent.⁵⁸

Any evidence of Gähler's would be of high value if only it were given without reserve,⁵⁹ but Keith hardly erred in describ-

⁵⁴ 13 July 1770.

⁵⁵ Compare his reply to the commissioners.

⁵⁶ He denied having burned anything (Answer 152).

⁵⁷ To the commissioners (Answer 212).

⁵⁸ *Ibid.* (Answer 213).

⁵⁹ Compare his letter of 15 April 1771 to Struensee with 20 April 1771 from Rantzau.

ing him as dark, intriguing, and ungrateful. The handsome young Norwegian page, F. C. Warnstedt, long Struensee's companion in the circle, was by nature as communicative and honest as Gähler was the opposite. We may attach considerable weight to the description which he gave in April 1771⁶⁰ of the court at the time of his sudden banishment early in the month preceding. It is significant that he could attribute his downfall to the coercion of Struensee by the king. As for the government, the king believed that he did everything, but in reality Struensee explained the business to him, and left him only to decide what course should be followed. If he perceived Struensee's real power he would cashier him at once. His zeal for work had been real but short-lived, and now his powers of body and mind were failing. Thus one of the king's few intimates, and one who was neither biased nor unduly discreet, pictures him as Struensee's collaborator, and, when he chose, as his master, and that at a time very close to the season assigned by Struensee for the unfavourable change.⁶¹

Warnstedt's evidence was elicited by Prince Charles of Hesse, like himself a young man in the twenties and a banished favourite. In his *Memoirs* the prince states that nearly four years earlier he had confided to Bernstorff that there was some derangement in the king, and that Bernstorff had agreed with him and quoted St. Germain on the same side.⁶² These memoirs were written, however, nearly half a century later, and were certainly coloured by time. They represent the author as particularly pious in youth, whereas we know that he was with difficulty restrained from a course of deliberate vice.⁶³ The account which they give of two royal visits on the eve of the fall of Bernstorff shows Christian composed and determined.⁶⁴ Of the months which followed, Prince Charles could narrate nothing at first-hand. In October 1771, however, he wrote to Bernstorff⁶⁵ an account of the king based on his former intimacy. The essential part runs thus :

When he is dressing he may sit whole hours and more quite quiet, with eyes fixed, mouth open, head sunk, like a person who has no feeling. I know him, and I have not forgotten that attitude, which always

⁶⁰ Friis, *Bernstorffske Papirer*, ii. 136-9.

⁶¹ This is merely 'in the spring'. But he declared that the king had been industrious 'plus de huit mois de suite après qu'il étoit revenu du dernier voyage de Holstein'. This would indicate the end of April. But having regard to the circumstances under which Struensee wrote he might easily lapse into chronological inaccuracy. In his *Defence* he makes a mistake of a year without the slightest intention or possibility of deceiving.

⁶² p. 47.

⁶³ Fireks to Bernstorff, Friis, ii. 208. Cf. Biehl, *op. cit.*, p. 157.

⁶⁴ pp. 52-4.

⁶⁵ Friis, ii. 151.

foreboded some violent scene and some revolution which is then brewing, and it is at these times that his mind, by nature very active and lively, but much depressed by a thousand causes, of which the chief is physical, works with most force, makes new plans, takes violent resolutions, which however possess no stability, nor danger even for those against whom they are formed, until a third person to whom he can open his heart and his thoughts at least in part determines him ; all depends on that.

This sincere contemporary statement of an intimate may well give the clue to the apparent conflict between Reverdil's statement of what the king could do and Struensee's of what he did. If we assume that Christian was able and interested in statecraft but timid, inexperienced, and ill-balanced, that his early guardians had failed to comprehend him, and, dreading his interference, had disgusted and repelled him, but that Struensee, handling him with sympathy and insight, gained for a time his co-operation, we shall possess a theory which is not only psychologically probable, but is supported by good contemporary evidence. He had long coveted freedom from his council and from the ceremonies of the court. In 1768 his wishes had been gratified and he had marvellously improved. In 1770 Struensee became the instrument of his emancipation, and it would have been strange indeed if he had made no response.

From the spring of 1771, however, by Struensee's own confession, the king's guardians were fighting a losing battle. 'All altered for the worse.' Their efforts to conceal his condition and to guard against political surprises procured them a summer and autumn of miserable authority and the worst suspicions of the nation. The Danes were notoriously slow to move, but few observers were surprised when, in the small hours of 17 January 1772, Rantzau and a section of the army seized the queen and her associates in their beds and flung them and their connexions into prison. Power then passed to the gloomy queen dowager and her repulsive son, and to the strange junta of pietists and ruffians⁶⁶ who had carried out the plot. The usurpers disposed of the person and signature of the autocratic king ;⁶⁷ both Denmark and Norway were wild with joy ; yet so long as Christian's late guardians remained in Danish prisons, the new administration trembled. To get rid of them without trial was impossible in the case of the queen, and in all cases repugnant to the laws and spirit of a nation which distinguished sharply between autocracy and despotism and was accustomed to a slow-moving crowned bureaucracy. Within five days therefore a commission of inquiry was ransacking the prisoners' papers and

⁶⁶ Led by two men whose grievance against Struensee was that in their lawsuits justice had not been interfered with. Cf. *Hist. Tidssk.*, v. i. 187, and Rantzau's letters.

⁶⁷ Even to making him their unwilling accomplice in forgery. Cf. Holm, ii. 412.

gathering evidence against them, and for some three months it laboured with unremitting zeal,⁶⁸ finally separating in June.

Regarded as a trial at law, the proceedings were in some respects grotesque. The commissioners first collected evidence for the prosecution, then examined the prisoners, and finally, on March 24, received the royal orders to hear counsel and to judge without appeal. Although several of the chief charges brought by popular report against Struensee and Brandt lacked the smallest foundation,⁶⁹ their guilt was presumed from the outset. Before the commissioners had seen one of the prisoners they spoke of them as criminals and ordered their households to be broken up.⁷⁰ On February 26, when Struensee's examination was in its earlier stages, the commissioners petitioned that he should receive the visits of a priest.⁷¹

The postulates that the king was a wise and benevolent autocrat and that, in the greatest part of the proceedings, the queen's virtue must not be impugned, rendered many of the questions and answers somewhat unreal. Yet more serious blemishes were the lack of any opportunity for the accused to call evidence for their defence and the absence of some material witnesses. Rantzau, for instance, as a member of the triumphant party, escaped examination,⁷² while his letters, brimful of allusive treason, were put to Gähler in order that he might explain their meaning and convict himself. Reverdil, whose knowledge and whose honesty were equally well known, received an irresistible hint to quit the country. No attempt was made to procure the evidence of Schimmelmann, who even if he were not Struensee's

⁶⁸ Their zeal was attested by their daily sessions of seven hours and more, and by the strangeness of the clues that they were prepared to follow up. They endowed the royal archives with translations of Hebrew documents, billets doux, lunatic scribblings and so forth.

⁶⁹ Cf. Schiern, *Bidrag*, p. 685.

⁷⁰ Protocol of 1 February.

⁷¹ It is perplexing that A. P. Bernstorff wrote (Friis, *Bernstorffske Papirer*, i. 808) from outside the kingdom (Dreylutzw) as early as 14 February: 'On fait preparer les prisonniers par Münter, et on n'a pas seulement fini encore d'examiner leurs papiers.' Münter's first interview with Struensee took place on 1 March. Reverdil (p. 426) has: 'Du moment qu'ils eurent avoué les délits sur lesquels on prévoyait que pouvait porter une sentence capitale . . .' The only avowal down to 26 February was Struensee's to the commissioners' separate investigation of his intimacy with the queen. That was by no means obviously even criminal. Not a little high-placed opinion in that age condemned such inquiries as improper. (Cf. Gustavus III in Bonde, *Drottning Hedvig Elisabeth Charlotta's Dagbok*, ii. 186, and Count U. A. Holstein, MS. memoirs, ii. 94, Rigsarkiv.) Christian VII himself certainly held this view. Cf. Bülow's *Dagbøger* (MS.), 3 March 1787, Biehl, p. 125, and Reverdil, p. 259. The only way in which under Danish law Struensee's adultery could be tortured into treason was by arguing that it was an aggravated form of wounding the king's honour. Cf. Lassen, *Tidsskrift for Retsvidenskab*, 1892, pp. 450-2. Thoresen, *ibid.*, p. 193, seems to destroy this argument.

⁷² To a written invitation to give information about Gähler's letters to himself he replied with his wonted cynical impudence that he never kept letters, but was sure that Gähler had written nothing that he should not.

tempter,⁷³ could have thrown more light than any other person upon the charges relating to finance, and the list might be considerably lengthened.

On the other hand it is difficult to follow the proceedings of the commissioners without feeling something of the respect for them as men which Struensee is said to have expressed. Partisans and placemen as they were, they were imbued with the decorous humanity of their race and age, and firmly resisted the clamours of the junta for a swifter and more merciless procedure. If they condemned Struensee for forgery,⁷⁴ of which posterity acquits him,⁷⁵ they exonerated him from attempted murder, which thousands then laid to his charge. Regarding him as a German adventurer who had enslaved and plundered their king, corrupted their queen, flouted their religion, and wellnigh overthrown their nation, they none the less treated him more moderately than their rulers approved of, while for other prisoners they solicited favours which were refused by the crown. That they could respect an honest if inconvenient witness is proved by their treatment of Panning, Struensee's lifelong friend and the Abdiel of his fall. Having examined, admonished, and re-examined him in vain, they set him free and gave him a written testimonial as a good servant of the state.⁷⁶

The trial throws valuable light upon the personality of the king. Many who had lived in close contact with him, from his prime minister to the urchins whom he had adopted, underwent examination, and he himself gave evidence. The general impression left by the depositions is that, from whatever cause, Christian had ceased to be his own master before the revolution, and that all present knew the fact.⁷⁷ The commissioners, it is true, suggested to Struensee and Brandt that they had prevented the wreckage of the palace windows and statues from

⁷³ As Count U. A. Holstein asserts in his MS. memoirs. Struensee's letters to his brother show that the financier, whom he distrusted, was none the less guiding him in the investment of the royal donatives to himself.

⁷⁴ Lassen holds that the sentence is ambiguous on this point. But 'den bekjendte forfalskede Extract' in their report on Falkenskjold (Høst, iii. 216) can have only one meaning.

⁷⁵ In the issue for October 1892, p. 458, Lassen agrees with the commissioners that the document, of which he had published a valuable facsimile in the preceding year, is 'highly suspicious'. But he omits to point out that in reproduction the difference between the colour of the ink used in different portions, on which Struensee insisted, has been lost.

⁷⁶ The inferences adverse to Struensee's veracity which might be drawn from Dr. Hille's communication to the *Zeitschrift für Schleswig-Holstein-Lauenburgische Geschichte* for 1886 are combated by the fact, among many others, that Panning was intimately concerned with the transactions there described. Gähler of Altona evidently thought the magistrates blunderers. (Cf. his letter to his brother, 1 February 1771.)

⁷⁷ It is significant that in his *Defence* Struensee names Schuhmacher as aware of the difficulty of procuring the king's signature. To the commissioners he had said of the same topic: 'As you know' (Answer 69).

being removed in order to convey to the king's subjects the preposterous notion that he was unfit to rule. But they did not shrink from eliciting the damning facts (1) that his affray with Brandt, the specific event which evoked the most thorough examination, arose from the decision of the queen, Struensee, and Brandt that he must be frightened into tolerable manners; (2) that Brandt had told the story to his servant; (3) that the king had been persuaded by one of his valets to discuss his own humiliation; (4) that thereafter he had gone in fear of Brandt; (5) whom none the less he promoted to be grand master of his wardrobe about a month afterwards.

How could such a craven rule a state? And in spite of the immense tolerance of the age for the 'humeurs' of a grand seigneur, Christian's recorded eccentricities were hardly such as his loyal subjects could bear with whole-hearted submission. A king who wrecked the luncheon table and flung its plenishings at his suite was taking liberties beyond what even an Oldenburg might fairly claim. They had already found their sequel in his treatment, for during the rest of his life he was kept in a confinement stricter than before the revolution.

In reviewing the depositions which throw light upon the king's powers and activities, a modern reader will feel a certain involuntary surprise at the unanimous testimony of the witnesses to the excellence of his health. Brieghel, who appeals to a knowledge of medicine which we may suspect was scarcely profound, states 'that although he has had the honour to see his majesty daily since his return from his journey,⁷⁸ he had never in that time observed that his majesty had been at all unwell (*har feylet noget*) so as to need . . . any medicine', except once for a hollow tooth, though he ought to have been bled after falling heavily upon his ribs. The king's valet, Torp, is equally indignant against the administration of quinine and iron to his master in the autumn of 1771, when he was just as well (*ligesaa fridsk*) as during the six years of his service. Professor C. J. Berger, an able man⁷⁹ but a very timid witness, admitted having attended the king since the end of June 1771, and to having prescribed cold plunges and jalap, and this without calling in the royal body-physicians, 'since neither the King nor the Queen had any important and definite illness'.

The commissioners, thoroughly investigating the charge that Christian had been drugged,⁸⁰ referred the treatment to the

⁷⁸ January 1769. He had also accompanied the king abroad.

⁷⁹ Cf. Professor Dr. med. J. Petersen in *Hist. Tidssk.* vi. 3. ii.

⁸⁰ Lassen (p. 221) unaccountably asserts that after the evidence of Winge the charge of poisoning was abandoned. Even the poisoned coffee story was afterwards put to the king's urchins, and that of injurious drugging to a host of witnesses, including,

slighted body-physicians. One of them, Dr. J. J. von Berger, the acknowledged head of his profession in Denmark, had thought that in the early part of 1771 the king's vice was telling upon him, but had found him much better in July. He it was who had afterwards declared impatiently to Reverdil that a man must be mad himself to attribute madness to the king.⁸¹

This evidence, of course, does not prove that the king's mind was unaffected. But it emphasizes the fact that he could often appear sane, and that those about him saw no connexion between eccentricity and lack of will-power on the one hand, and ill-health on the other. And it discounts those lurid descriptions of Christian as a physical wreck which had passed current in high circles for a year or more. It is curiously supplemented by a document which the commission brought to light. Since the king's collapse, Struensee, ruling of set purpose by fear, had become more and more isolated, and therefore clung the closer to his old friend and accomplice, Brandt. Brandt, though by no means devoid of ability and brave enough to die like a hero, suffered from an egotism which stifled every vestige of sound judgement. Invincibly self-complacent, he carefully copied and preserved a biting lampoon upon himself, and thought that no reward could recompense him for his services to the state. Struensee, who lived in terror of his resignation, begged a fortune for him from the king, procured him the great title of count, and tolerated and prevailed with the queen to tolerate the presence at court of his detested mistress, the wife of Count U. A. Holstein. Brandt, however, grew more and more restive, until in the summer of 1771 he presented Struensee with a grand remonstrance against his government, and a request for an enormous pension, with leave to enjoy it in Paris.⁸² This missive, which has too often been quoted as history in spite of the author's admission that many of his statements were made merely for effect, filled in Brandt's clear hand one-half of sixteen pages. Struensee, although in general too hard pressed for correspondence, exerted himself to scribble an answer which covered the vacant spaces, and twenty pages more. The manuscript, if discovered, might well mean banishment at the least for the two counts, but Brandt could not bring himself to destroy his own fine writing, and history gained an acquisition which is perhaps unique.⁸³

twice over, the king himself. The records of the court apothecary, which afford interesting disclosures on the ailments of the royal circle and their treatment, were found to be in perfect order.

⁸¹ Reverdil, p. 258.

⁸² Holm (ii. 308) does less than justice to the unrivalled impudence of this proposal, which was 'de se retirer à Paris et d'y vivre dignement', not merely to take holidays there.

⁸³ See Brandt's answers to the commissioners.

In it Brandt complains that his company wearied the king, who did everything to be rid of him. 'I force him', he continues, 'to live with me, and to crown my disgrace, I am obliged to treat him hardly, as he calls it, lest he should be rude⁸⁴ to the Queen.' Struensee describes him as 'un maitre faible, peu respecté, et qui a le meme penchant pour le changement que son peuple'. He claims to have rescued him from slavery and done everything possible to make him happy and 'pour cacher ses defauts et de retablir la reputation de son esprit et de son cœur'. Could the king, he asks, ever learn 'une danse composée?'⁸⁵ Il s'amuse plus avec des polisons, qu'avec la société la plus spirituelle.' Every one, he declares, who is at all behind the scenes knows that Brandt governs the king in his private life, as far as so singular a man can be governed.

These drops from a torrent poured forth to an intimate who knew all the truth are certainly damaging to the king. We must, however, remember that in writing Struensee was prone to the strain of *Ego et rex meus*; that this correspondence dates from several months after the king's alleged relapse; that Struensee here speaks in the same omnipotent manner of making a change in the life of the queen, who as Count Holstein observes, 'was not a woman for nothing', and gave him much to put up with;⁸⁶ that he confesses to having failed to change the game of loup, which amused the king, and that he mentions the possibility that the king might be so unwise as to supplant him by another friend. The Brandt-Struensee correspondence therefore appears by means to destroy the hypothesis that in describing Christian as formerly his collaborator, Struensee told the truth.

In the course of the trial, moreover, some traces of the king's governance came to light. Gähler's statement that he had discussed military matters with him is supplemented by C. A. Struensee's account of a discussion concerning the Moravians. Hansen evidently believed that as late as June the king had been actively interested in the management of the fleet. Falkenskjold had been thrice received in audience in connexion with his journeys from and to Russia, his last return falling as late

⁸⁴ 'Rude', I think, rather than 'insolent'. Struensee uses to Lady Holstein's lover the same French word 'insolent' of her behaviour towards himself. The commissioners, however, ask Brandt how he could dare to use an expression so indecent (*ublue*) and worthy of punishment.

⁸⁵ Compare the interesting particulars of his earlier activities collected by Herr Robert Neiiendam, the actor (*Hist. Tidssk.*, viii. 2. v and vi).

⁸⁶ This is corroborated by the known character of the queen, by Struensee's statements in this same letter, and by the prime minister-like tone in which he invariably spoke of her, here and elsewhere. Reverdil was not alone in contemplating the possibility that with her Struensee might have successors.

as August 1771.⁸⁷ The boy Ole, who had lived in the king's rooms by day and night, testified that Struensee visited the king twice daily and 'read something to him', and that after he had gone away the king was often angry. His evidence was corroborated by that of his comrades Moranti and Jürgen. Torp bore witness to the king's frequent ill-temper after Struensee's departure—a natural condition for a weakling whose powers had been under strain.⁸⁸ Schack speaks more than once of their collaboration as an everyday occurrence. Captain Duvall's evidence tended to show that at a moment of crisis in December 1771, Struensee had spent a quarter of an hour with the king before announcing a decision. The result of Struensee's own examination indicates that to the last the forms of business with the king were in general scrupulously observed. Brandt states that when, in April 1771, Struensee brought him 50,000 dollars from the king he required and received an assurance that the gift was sincere, and thanked his majesty for it.

Thus, by a not inconsiderable aggregate of indirect evidence, the records of the commission tend to countenance the assertions of Struensee with regard to the king's collaboration, and at least to lower the tone of the picture which Reverdil has painted. In this they are strongly reinforced by a body of evidence which may be termed direct, since it was given by Christian himself. Unfortunately, posterity has hitherto ignored this source, or has dismissed it with contempt. To Høst and Wittich it was unknown. Lassen⁸⁹ censures the commission for relying upon a single deduction which they made from it, and agrees with Reverdil that to cite a lunatic was an act of bad faith.⁹⁰ Holm,⁹¹

⁸⁷ I quote Falkenskjold's words and writings very sparingly, because after studying the records of the commissioners I feel bound to rate his credibility far lower than, for example, does Wittich. One instance may suffice. He was charged with having insulted and endangered Prince Frederick by refusing to stop the military music when he rode up along the ramparts. He made answers: (1) that he knew nothing of the matter; (2) that he must have seen that the prince had room to pass and thought that he would like the music; (3) that it would have been rude to the prince to have stopped the musicians, since the rules only prescribed that armed men should give the honours; (4) that if they had stood to attention, the prince's horse might have shied at the strong sun reflected from the drums; (5)—a few years later—that it would have been insulting to the prince to have stopped music which the king had instituted for his own pleasure. (This last from his *Gamle Erindringer*, the Danish translation of his *Mémoires*, p. 131.) Cf. also Koch, *Struensees parti* (*Hist. Tidssk.* vi. 5. 114, &c.).

⁸⁸ Schack's evidence, printed in Lassen, p. 237, shows signs of resentment on Christian's part against Struensee's harshness, but proves that they had habitually discussed affairs of state.

⁸⁹ p. 231, referring to Struensee's alleged neglect to inform the king before the 24th December of the dissolution of the Footguards on the 21st, 'det Hans Majestæt declarerer sig heel vel at erindre' (Høst, iii. 168).

⁹⁰ p. 295, citing Reverdil, p. 413.

⁹¹ ii. *Henvisinger*, pp. 35, 22. He argues that as the king was then regarded only

while controverting this view, makes no use of the depositions. In consequence, Christiansen has not examined them.⁹² But whatever their value as history, their biographical importance can hardly be gainsaid. With the exception of a few admirable repartees, they are perhaps more characteristic of Christian than anything else that he is known to have spoken or written.

Some of the king's depositions were received at second-hand in the sworn testimony of his chamberlain, Schack, while some took the form of memoranda. Four of these papers were drawn up by Schack and authenticated by the king, in answer to questions presumably communicated to the former by the commission. One, a brief denial that he had given Struensee and Brandt 50,000 dollars apiece, was both written and signed by Christian. In view of his known readiness under certain conditions to romance freely and to sign anything that was put before him, the value of this evidence must depend in the first place upon the character of the medium through whom it was conveyed. Fortunately, no better could be desired. Schack's whole career was that of an honest, upright man. Although chosen by Struensee as the king's companion, he was retained in that important situation when the revolution had driven every tainted person from the palace. The tributes of well-informed contemporaries⁹³ to his honesty are supported by the frankness and credibility of his own replies to the commissioners.⁹⁴

On 10 February Schack asserted that the king had 'permitted, nay commanded' him to give the commission the royal version of the affray with Brandt. This is of interest inasmuch as Christian attributes his own threat to cane Brandt to the irritation against him produced that morning by Struensee and Falkenskjold, and states that Brandt accompanied his acts with the most injurious language. 'Shortly afterwards,' Schack continues, 'Count Struensee, when working with His Majesty in the cabinet, importuned and at last persuaded him to make Count Brandt Grand Master of the Wardrobe. As soon as His Majesty had consented, Count Struensee sent for Brandt,

as feeble, he might fairly be credited with some memory. It might more cogently be urged that Struensee appealed to the king's recollections of conversations long past (see his answer to Question 4), and that on many points Christian is corroborated. Holm (ii. 13) excludes the possibility of securing evidence from the king on the question of collaboration.

⁹² So far as I can see, they fully accord with his dicta on pp. 50 and 51. Koch makes some slight use of them in his *Kabinetet i Struensees Tid* (*Hist. Tidssk.* vii. 3. vi).

⁹³ e.g. U. A. Holstein, MS. memoirs, ii. 145: 'gentleness and simplicity itself and not ambitious.' A. P. Bernstorff (Friis, *Bernstorffske Papirer*, iii. 493): 'upright, modest, faithful,' &c.

⁹⁴ Part of his evidence and of the examination of Brandt and Struensee based upon it are printed in Lassen, pp. 236-43.

and in the cabinet where he sat and worked with His Majesty, rose from his chair when Brandt came in, embraced and kissed him in His Majesty's presence, congratulated him on his new appointment and addressed him as Your Excellency.' On 10 April, however, when the depositions were being sworn to, Schack remembered that the king had in the meantime denied the embracing and kissing. His evidence as a whole, and even this short extract from it, illustrates the king's absorption in himself, his communicativeness, his intense hatred of Brandt, and his lack of any feeling of shame at being controlled in his daily life by others. It reveals surprisingly little trace of the shock of the revolution, when he had been assured under the most terrifying circumstances that Struensee designed to murder him. The tone in which he spoke of his late minister is here and elsewhere querulous, but as far removed from hatred as from gratitude.

The memoranda relate to seven grave offences which were laid to Struensee's charge. These were in effect: (1) that he had treated the king brutally, not shrinking even from the use of poison; (2) that he had unlawfully deprived the king's subjects of access to their master; (3) that he had secured or attempted to secure a royal testament bequeathing powers of government to the queen; (4) that he had by unlawful influence secured for himself the position of privy cabinet minister and the rank of count; (5) that he had enriched himself and his friends from the treasury without the king's knowledge; (6) that he had not duly reported to the king the contents of the royal edicts; (7) and that he had fraudulently procured the disbanding of the Guards. Some counts in this indictment also concern Brandt, but the commissioners appear to have sought the king's testimony with a view to the condemnation of the chief offender only.⁹⁵

To the questions touching these several points the king appears to have replied without embarrassment or confusion. (1) At first he had no recollection of the suspected medicine, but afterwards remembered that Professor Berger had prescribed it for a slight indisposition. He had several times experienced cramp in the feet, and attributed it to the cold baths. (2) He had himself sent away one Gärtner who plagued him with his supplications. (3) He did not credit the story of the testament, but remembered that Struensee had once proposed that he should make a will. (4) He cited a number of the arguments

⁹⁵ I surmise that before 10 February Schack received instructions to write down the king's observations on certain specified topics and to secure his attestation, and that supplementary communications were sent to him when the course of the proceedings required. These were not recorded in the daily protocols.

that Struensee had used to obtain promotion, and stated that the royal instructions were dictated by the new minister himself. The proposal to make Struensee and Brandt counts on the day of the princess's baptism also came from Struensee. (5) As to the financial transactions, the king showed at least that he possessed a far better memory with regard to gifts than Reverdil would allow.⁹⁶ Six of those questioned, including five dating back a year or more, lay circumstantially within his recollection. One he could not recall. Two of recent date he denied, and Struensee admitted that it was he who had presumed upon the royal bounty.⁹⁷ There remained the large donative to Struensee and Brandt, which Christian repudiated, whether from want of memory or from malice against Brandt cannot now be determined. As to the queen's lodge, Frydenlund, he asserted that he knew of it, but not until the building had begun — 'but His Majesty was not allowed to go there'. (6) 'As regards the Cabinet Orders, Struensee regularly read to His Majesty the epitomes and told him the contents, and thereupon presented them for his gracious approbation.' (7) The dismissal of the guards had been recommended by Struensee in the previous winter and again in the summer, but nothing further had been said about it until Christmas Eve, when he prayed the king to give Gähler by word of mouth orders to quell the mutiny by force.

However unsafe it may be to assume that an act did not happen because Christian did not remember it, I should be surprised to learn that any of the acts which he professed to remember did not happen. On many points his evidence is corroborated, and except as regards the donative, on none is it contradicted. In his account of Struensee's promotion we hear the faithful echo of the Prussian towering over his enfeebled master and pleading 'the hard toil which he had had for so long a time with His Majesty, and the good proposals he had made, for example, the getting rid of the Council, which he said was a great service to the sovereign power, likewise the weakening of the *grandees*, which had enabled him to promote the *burghers* and to give them almost equal privileges with the nobles, which he said agreed with King Frederick III's opinions and with the Royal Law. Likewise he prayed His Majesty that the officials who came to report might leave their portfolios behind for closer scrutiny, so that they should not take His Majesty by surprise (whereby he came to despatch all the business): and

⁹⁶ In conflict with Reverdil's description of the king's utter indifference to money is also the contemporary account of his avarice by Saldern and Filosofof (cf. Holm, i. 83 and 405, and the negotiations with England, *supra*).

⁹⁷ At his examination on 27 February.

since he had served so long as privy cabinet minister he thought it right that His Majesty should name him such, and he ought to be created such, and take rank above other ministers, and since he managed the whole court, which he professed to understand better than the late Count Fritz Moltke, it was (he said) no promotion for him.⁹⁷

The fact that some two-thirds of the king's answers favoured the defence, proves that they were neither put into his mouth by his guardians nor distorted in the writing down. It may also explain why he was not interrogated with regard to other charges, notably Struensee's alleged ill treatment of the crown prince.⁹⁸ He was evidently a most willing witness,⁹⁹ but his evidence tended to make it difficult to condemn Struensee in his name.

As a king regnant, Christian finally expired at the revolution.¹⁰⁰ For the convenience of a state whose laws furnished no means of escape, he remained in theory absolute. Indeed, the foremost Danish jurist¹⁰¹ declared that his insanity could not easily be proved. But having signed a decree which gave the council practical control over the royal edicts, he suffered his brother to preside at their meetings in his presence;¹⁰² and Frederick the Great rightly divined that unless he were abducted he might be dismissed from political calculations. The generation and more of his existence under such conditions can throw but little light upon his past. Yet it is not without interest to note how slowly the truth was diffused and how reluctantly men resigned themselves to regard their king as hopelessly demented.

Before the revolution, some had believed that the rumour of his derangement was a falsehood spread by a guilty clique who hoped to seize his power.¹⁰³ Others who were well placed to form a judgement held that after having been restored to liberty amid an adoring people, he had only to rouse himself and reign. 'Let the blood of the many kings that runs in thy veins', cried one learned and enthusiastic patriot, 'warm thy heart thyself to rule thy people.'¹⁰⁴ 'With such a people',

⁹⁷ Whom the queen and Struensee brought up according to *Émile*, the latter asserting that he found these principles in the mind of the king, who certainly did not shrink from hard training. It was widely believed that they aimed at the child's destruction or death, in order that they and their progeny might rule. Keith reports on 10 December 1771 that he had found him in perfect health.

⁹⁸ Schack Rathlou's Votum in the privy council with regard to the sentence on Brandt states that the king was his first accuser (*Hist. Tidssk.* vii. 4. 271, &c.).

¹⁰⁰ Cf. *Hist. Tidssk.* vii. 5. 224, &c.

¹⁰¹ Stampe. Cf. J. H. Deuntzer, *Henrik Stampe*. I have failed to recover the reference which follows.

¹⁰² While his step-mother sat behind him on the pretext of tranquillizing him (*Schiern*, p. 762).

¹⁰³ Cf. Reverdil, p. 247.

¹⁰⁴ P. F. Suhm. Cf. *Holm*, ii. 353.

wrote a high-placed lady, 'what could he not do, if he would take the trouble to rule well!'¹⁰⁵

From ignorance or from principle or from caution, the diplomatic circle at Copenhagen was amazingly slow to send to foreign courts any accurate news about the king.¹⁰⁶ Frederick the Great, for example, stated positively at the end of January 1772 that the report of an 'aliénation d'esprit' was not altogether devoid of foundation.¹⁰⁷ But his information apparently dated only from the month preceding,¹⁰⁸ and what Arnim reported from Copenhagen, Maltzan was unable to confirm from London on the very eve of the revolution.¹⁰⁹ And although in March Arnim pronounced Christian incurable,¹¹⁰ Frederick could only be convinced of his 'entire imbecility' by the fact that he sat speechless while his step-mother answered a deputation,¹¹¹ and by Arnim's detailed report of his decline.¹¹² Even then, in July 1772, Frederick thought 'un égarement et aliénation totale d'esprit' a calamity only likely to be reached in the future.

The English minister had gone so far in November 1771 as to speak of 'the situation of the King of Denmark's health and perhaps the discomposure of his mind'. All that the trial of the queen and her associates revealed was more fully known in England than elsewhere. Yet his successor in October 1772 threw grave doubt upon the equity of Christian's treatment as a 'prisoner of state', and attested the propriety of his behaviour at the circle, 'where indeed his appearances are but short, but conducted with justness as to discourse and behaviour towards every one'.¹¹³ It was only in 1773 that the royal family resolved on calling in an eminent foreign physician.¹¹⁴ In the following year, the representative of France who announced to Christian the news of the death of Louis XV evoked an eulogy on his late master so eloquent that he wagered his honour that the Academy in Paris had not surpassed it.¹¹⁵

Thirty years after the revolution, one of Christian's subjects burst into spirited verse at the thought of his virtues and good deeds.¹¹⁶ Europe, he declared, could not sufficiently admire his governance, and her princes did not comprise his peer for wisdom, benevolence, and justice. O that his son might be like him!

¹⁰⁵ Baroness Løvenskiold, 31 January 1772. Bobé, *Reventlowske Papirer*.

¹⁰⁶ A good example may be found in the dispatches of the Saxon minister Callenberg, printed in the Danish translation of Wittieh's *Struensee* by Blangstrup, 172, 173.

¹⁰⁷ *Politische Correspondenz Friedrichs des Grossen*, 20579.

¹⁰⁸ *Ibid.* 20424 and 20498.

¹⁰⁹ *Ibid.* 20579, note 2.

¹¹⁰ *Ibid.* 20744.

¹¹¹ *Ibid.* 21036.

¹¹² *Ibid.* 21112.

¹¹³ Woodford, in Stowe MS. 262, *Historical Letters*, 1748-74.

¹¹⁴ C. D. Biehl's *Breve*, p. 185, n. 130.

¹¹⁵ *Ibid.* p. 82.

¹¹⁶ Bestrup, *De Danskes og Norskes Frydesang* (1802).

Such glimpses of the long-drawn epilogue reflect the difficulty of viewing aright the brief tragedy of Christian's reign before the revolution. The foregoing pages may have suggested anew¹¹⁷ that to reject the statements of the chief actor in its final portion is equally unnecessary and unwise.

The English dispatches show that Christian possessed the talents which Struensee declared were his, and that he desired to rule in the manner which the dismissal of Bernstorff first made possible. The testimony of the king's intimates, the records of the commission, and the royal evidence often corroborate and nowhere confute what Struensee asserted in his final writings. Struensee was not a historian, but the most valuable history of his ministry is his *Defence*.

W. F. REDDAWAY.

¹¹⁷ Compare my article on *Struensee and the Fall of Bernstorff*, *ante*, xxvii. 274-86, 1912.

Notes and Documents

The Summons to a Great Council, 1213

A SLIGHT mistake made by Bishop Stubbs in copying the writ of King John, dated 7 November 1213, for his *Select Charters*,¹ has misled several writers who have recently had occasion to discuss the origin of the house of commons; it therefore seems worth while to point out the error. The document in question is headed by Stubbs 'Summons to a Great Council'; he calls attention to the fact that for the first time four representatives of each county are called together to meet the king and to discuss the business of the realm; he draws a parallel between the four men and the reeve from each township, and the four men and the sheriff from each county; finally he points out that there is no record of the proceedings of the assembly hereby convoked.

In so far as any importance might be attached to the use of the word *homines* instead of the more usual *milites*, speculation is uncalled for. Stubbs's text is clearly inaccurate. In the *Report on the Dignity of a Peer*,² from which he quotes, the sentence in question runs *Corpora vero baronum sine armis similiter et quattuor discretos milites de comitatu tuo*. In the 'new edition' of Rymer's *Foedera*³ the writ is also given, with the word *milites* where Stubbs has *homines*. Mr. Hilary Jenkinson, of the Public Record Office, has been good enough to send me a transcript from the Close Roll itself, which justifies the text of the *Report on the Dignity of a Peer* in everything except slight differences of punctuation and the use of capital letters.⁴

¹ *Select Charters*, 8th ed., p. 287; ed. Davis (1913), p. 282.

² *Report of Lords' Committees on the Dignity of a Peer of the Realm* (1826), appendix i, p. 2.

³ Rymer, *Foedera*, Record ed., vol. i, part i, p. 117.

⁴ In the printed edition of the Close Rolls (*Rotuli Litterarum Clausarum*, ed. by Sir Thomas Duffus Hardy, p. 165), instead of the text of the writ, one finds the following abstract: '*Summonitio omnium militum et Baronum, et similiter quattuor discretorum militum de universis Comitatus apud Oxoniā, ad loquendum cum Rege de negotiis regni. Teste Rege apud Wytteñ, vii^o die Novembris (vide Foed. N. ed. vol. i, part i, p. 117).*' This, Mr. Jenkinson informs me, is a note by the editor, who omitted to reproduce the writ because it had already been printed in the *Foedera*.

This mistake in copying has assumed a somewhat disproportionate importance in the hands of later historians, and it may perhaps be useful to point out, first, a few cases in which modern writers have been led astray by relying too exclusively upon the *Select Charters* or upon its latest editor, Mr. H. W. C. Davis; and secondly, some seventeenth-century criticisms of the writ of 1213, which throw a certain amount of light upon its difficulties.

I

Stubbs himself refers indifferently, in his *Constitutional History*, now to the four men, and now to the four knights summoned by this writ.⁵ He was evidently influenced by his interpretation of the four men and the reeve from each demesne vill,⁶ said to have been summoned to the council at St. Albans in August of the same year, and he apparently thought the difference of no importance. Mr. H. W. C. Davis, in *England under the Normans and Angevins*,⁷ follows Stubbs's example, and writes in one passage of the 'delegates, vaguely described as *homines discreti*', who were summoned to the Oxford meeting of 15 November 1213, while elsewhere he speaks of the knights summoned in 1213. The only reference given is to the *Select Charters*; and his edition of this book shows that Mr. Davis, in the course of his revision, did not detect Stubbs's departure from the text he had copied.⁸ Other historians speak of *milites* and *homines* apparently indiscriminately, but one of the latest writers on the vexed question of the origin of the house of commons,

⁵ Stubbs, *Const. Hist.* i. (6th ed.), 567, 'four discreet knights' and 'four discreet men' are mentioned within two lines; in i. 666, 'four discreet men', and in a footnote the text of the writ is quoted as *quattuor discretos homines*; in ii. (4th ed.), 263, the representatives of November 1213 are included as knights.

⁶ It is interesting to find that Mr. G. J. Turner's interpretation of this passage in Roger of Wendover, iii. 261 (ed. Coxe, 1841; cf. *ante*, xx. 289) had already been reached in the seventeenth century. Cf. Brady, *Introduction to the Old English History* (1684), glossary, p. 59, where it is pointed out that the *Praepositus* of the summons is evidently the reeve from the bishop's own manors.

⁷ Third ed., 1912, pp. 380, 443.

⁸ *Select Charters*, ed. Davis, p. 282. Mr. G. B. Adams (*Origin of the English Constitution*, 1912, p. 340) sums up the discussion of the writ thus: 'It seems to me impossible to suppose a genuine representative idea behind the directions as to the four men.' His only reference is to the *Select Charters*, and he appears to be quite unaware that the word *homines* is merely a mistake. Mr. McKechnie, in the first edition of his *Magna Carta*, pp. 36, 297-8, spoke of the assembly of 15 November 1213 as having actually taken place; he is therefore disposed to regard ol. 14 of the Great Charter as retrograde in its provisions for the summoning of a great council. He gives a reference to the printed *Close Rolls* and also to the *Foedera*, but as he speaks of the 'four discreet men' it is evident that he is quoting only from the *Select Charters*. In his second edition (1914) he is more cautious, and admits that the assembly may never have taken place, and is inclined to throw over the writ as of doubtful authenticity—a suggestion which is absurd. In this edition no references save to the *Select Charters* are given.

Mr. Ernest Barker,⁹ lays some stress on the difference of designation. Relying upon the newly revised edition of the *Select Charters*, he declares that John summoned four men, 'not knights, as is often erroneously said', and because the representatives are not knights, he is disposed to belittle the importance of the writ in the history of representative institutions. This indeed is the crux of the question. If these four deputies be knights, as they are, they have their parallels both in local government and in slightly later central assemblies, and thus form a link in a continuous development.¹⁰ If, on the other hand, they were merely four discreet men, they have contemporary parallels in local government, but none for central assemblies, until a very much later date, unless indeed the more than doubtful parallel of the four men and the reeve at St. Albans be adduced.

Mr. Barker is criticized on this particular point by M. Pasquet, in his essay on the early history of the house of commons.¹¹ M. Pasquet, working for the most part from the *Report on the Dignity of a Peer*, is able simply to assert that the writ actually reads *milites*, but in his desire to account for Mr. Barker's statement he ascribes to him an impossible confusion between the summons of November 1213, and a similar summons in May of the same year (for which he gives no reference). M. Pasquet is inclined to lay considerable stress upon this summons of knights by John, whether or no the assembly ever took place, as the first time in which representatives of all the counties in England were convoked to talk with the king on the business of the realm, though he admits that probably neither John nor his subjects saw in this measure an important constitutional innovation.

One minor difficulty M. Pasquet seems incidentally to solve, though he does not specifically apply the solution to this case. The time allowed seemed to Stubbs incredibly short; the writ is dated 7 November and the assembly was to be held on 15 November. However, M. Pasquet shows elsewhere:¹² first, that parliaments did not always assemble punctually; secondly, that it was not essential that all the county representatives should be present at the same time, since, as consent was the main object of the summons, such consent could be given by the late

⁹ *The Dominican Order and Convocation*, 1913, pp. 51, 55.

¹⁰ It is of course true that at a later date a simple esquire elected for a county was technically a knight of the shire, but this does not prove that in 1213 the words *homines* and *milites* might have been used indiscriminately. On the contrary, it may well be the intention that the representative should be a knight, which led to the extension of the title to the simple esquire.

¹¹ *Essai sur les Origines de la Chambre des Communes* (Paris, 1914), p. 25.

¹² pp. 42, 55, 71-2, 167; compare similar evidence cited by Mr. A. B. White (*American Hist. Rev.* xix. 735).

comers separately ;¹³ thirdly, that the notice is not much shorter than in several other writs—e.g. in 1265 eighteen days are allowed at most ; in 1261 ten days ; and in 1297 the sheriff of Northumberland complained that he had only eight days after receiving the writ in which to cause two knights to be elected and to take their seats at Westminster. Moreover, the writ of 7 November 1213 implies a previous summons of all the knights of each bailiwick, and as no stipulation is made as to election, the sheriff may well have designated knights who were already on their way to Oxford.

II

This writ aroused considerable interest in the seventeenth century. It is printed by Selden and twice by Prynne¹⁴ and discussed at length by the latter. Both writers think the writ quite unprecedented, and conclude that the assembly at Oxford was rather a council of war than a parliament. It may perhaps be worth while briefly to summarize Prynne's explanation, for modern commentators are still at a loss as to the nature of the assembly, the business to be discussed, the reasons for summoning knights, and even the phraseology of the writ itself. In the *Brief Register* Prynne puts forward the theory that the writ is similar to the summons to St. Albans, in the previous August, of four men from each demesne vill, with the reeve ; he quotes this earlier summons from Matthew Paris, and suggests that the business is to be the same, i. e. to assess the losses of the bishops.¹⁵ The barons were to come singly, without arms, 'to submit themselves to the justice of his court and a legal trial.' The four knights from each county were to act as a 'kind of

¹³ A definite case in point occurred in 1265, when two counties which had not sent deputies were ordered to appear before the council, wherever it might be, after the close of the session of parliament.

¹⁴ Selden, *Titles of Honours*, part ii, c. v, p. 710 (1641) ; Prynne, *Historical Collections of the Ancient Parliaments of England* (1649) and *Brief Register of Parliamentary Writs*, part ii, p. 19 (1659). Prynne and Selden both read *singulariter* where the writ appears to have *similiter* ; there seems to be no explanation of the mistake, if mistake it be, for Prynne says that he had copied the writ a second time for the *Brief Register*, directly from the record, and he bases no theory upon the word, merely explaining it, rather dubiously, as meaning 'not two or more together' in coming to the council.

¹⁵ A passage in Roger of Wendover, iii. 276, relative to John's colloquies with the magnates at Reading or Wallingford in November lends some colour to this supposition : 'Super ablatorum vero restitutione tertio nonas Novembris apud Radingum diem statuerunt. Cumque die iam praelibato omnes, ut superius, convenissent, rex die illo non comparuit, sed die tertio apud Walingeford iterum pariter convenerunt ; ubi rex, ut supra, de omnibus ablatis episcopis et aliis universis se satisfactorum gratanter spondit ; sed hoc illis, quorum castella diruta, domus subversae, pomeria cum nemoribus succisa fuerant, parum videbatur ; unde rex et episcopi in hoc pariter consenserunt, ut in arbitrio quatuor baronum se ponerent, et sic ipsorum iudicio satisfaceret universis.' The account is repeated word for word by Matthew Paris, *Chronica Maiora*, ii. 570 (Rolls Series).

grand-jury men'.¹⁶ The whole summons was a counter-blast to the assembly at 'Pauls' of 8 September, when the barons and the archbishop had to some extent intimidated the king. John was now about to rely upon the knights as against the barons. (It may be noted that in his earlier work, the *Historical Collections*, Prynne had explained *barones* as meaning merely tenants, and in this case the poorer tenants who were not obliged or not able to find arms, and he hints that the king intended to take them into his pay. He had, however, abandoned this untenable view when he wrote the *Brief Register*.)

Prynne points out, probably rightly, that the summons implied in the first sentence of the writ was a military summons; hence the knights are to attend *cum armis*; the usual direction in a military summons is *cum equis et armis*. The second part of the writ alone could be taken as a parliamentary summons, and the *sine armis* marks the distinction in function. In like manner the unusual phrase *corpora baronum*¹⁷ is to be translated literally, and is intended to convey to the barons the fact that this is not a military summons. Prynne goes on to show that the barons had a right to appear, in exceptional circumstances, by proxy, and thus the phrase may be an earlier form of the *personaliter* of later writs (*quod ad diem . . . personaliter intersitis*).¹⁸ The word *singulariter*, which appears to have no authority,¹⁹ would serve merely to re-emphasize the fact that it is only the personal presence of the barons which is required. With regard to the place of the meeting, Prynne thinks that the earlier writ summoned all the knights with their arms to Oxford, but that the writ of 7 November substituted the vague direction *ad nos*—wherever we may happen to be. This might perhaps account for the fact that we have no record of the assembly having taken place, and it is possible that the place had not been definitely fixed.²⁰ Prynne's general argument is directed to prove that the assembly was not a parliament because the form of the summons is not that of the later writs; the number of the knights is wrong; the knights do

¹⁶ The theory of a trial seems to have very little foundation, and, indeed, Prynne does not support it consistently himself.

¹⁷ Mr. G. B. Adams suggests translating *corpus* as the 'general body' of the barons, but he gives no reason for this interpretation, which seems on the whole less satisfactory than Prynne's.

¹⁸ Prynne cites *Rot. Claus.* 28 Ed. I, d. 3. *In propria persona* is the phrase used for justices and other exceptional members of the upper house.

¹⁹ See above, p. 88, note 14.

²⁰ Compare the passage quoted from Roger of Wendover, above, p. 88, n. 15. John spent the early part of November (1-19) within a few miles of Oxford—at Wallingford, Woodstock, Witney, Brill, Finmere, and Silverstone, and was actually at Oxford on 15, 16, 17 November. See itinerary of King John, prefixed to *Rotuli Litterarum Patentium*.

not appear to have been elected; the barons ought to have been summoned singly and not through the sheriff;²¹ the knights were summoned only *ad loquendum* and not as was usual *ad tractandum, faciendum, et consentiendum*. Prynne seems to have no idea that a 'model' parliament was developed only after a long period of experiment; he regards the parliament of 1265 as the first and the complete example of a representative assembly. It must be remembered, however, that Prynne had always a political axe to grind, and that his whole treatment of the origin of the lower house (particularly in 1649) was coloured by his antagonism to Lilburne and by his scorn of earlier historians, such as Lambard. Perhaps, however, the last word on the subject lies with a contemporary critic²² of Prynne, who suggests that it would have been better if the author had first defined the word *parliament*, before attempting to decide whether the assembly of 1213 was or was not a parliament. Certain it is that the idea of calling together representative knights of the shire 'to talk with the king about the kingdom's business' had occurred to John by 1213, and that this is of the essence of a parliament, although the motive and the significance of the summons remain obscure.

A. ELIZABETH LEVETT.

The Early History of the Counties of Carmarthen and Cardigan

THE royal lands in Wales during the later middle ages were grouped for purposes of government into two independent administrative districts known respectively in official language as 'North Wales' and 'West Wales'. The northern portion was created by the *Statutum Walliae* in 1284; but 'West Wales', subdivided into the two counties of Cardigan and Carmarthen, was already in existence before that date. The object of the following notes is to trace some of the steps in the process of its evolution, and to indicate a few of the peculiarities of its organization.

Carmarthen was seized for the king, and a castle erected there, early in the reign of Henry I.¹ It appears as a recognized

²¹ It is just possible that some irregular summons of the barons through the sheriff (such as this writ seems to imply) led to the explicit demand in clause 14 of *Magna Carta* that the barons should be summoned separately.

²² Cf. *Historical and Political Discourse of the Laws and Government of England*, together with *A Vindication of the Ancient Way of Parliaments in England*, collected from some manuscript notes of John Selden, Esq., by Nathaniel Bacon (1689). The criticism seems to be Bacon's, not Selden's.

¹ J. E. Lloyd, *History of Wales*, ii. 427.

administrative centre in 1130,² but it was more than once retaken by the Welsh in the course of the following century, and was not permanently annexed to the Crown until 1241, after the death of Llywelyn the Great.³ Cardigan, after having been first held by Roger of Montgomery and his son Arnulf, passed into the possession of the Clares, but after some vicissitudes was wrested from them by the Lord Rhys in 1165;⁴ later it was surrendered by Rhys's son Maelgwn to King John,⁵ then once more regained for the Welsh by Llywelyn the Great,⁶ and like Carmarthen, was only finally secured by Henry III after the prince's death.⁷ That the counties dependent on these two fortresses were established before the enactment of the Statute of Wales is abundantly clear. Their existence, indeed, is implied by the language of the statute itself.⁸ Other evidence in support of the fact was long ago adduced by Professor Tout,⁹ and a good deal more has come to light since he wrote. Basing his opinion on a passage in the *Annals of Dunstable*, Mr. Tout inclined to the view that the two shires probably originated in 1256, as the result of an attempt made in that year (as the chronicler alleges) to introduce the shire and hundred organization into the Welsh lands granted by Henry III to the Lord Edward in 1254.¹⁰ It seems most likely, however, that the annalist's words were really intended to refer only to the Perfeddwlad.¹¹ At any rate they can scarcely be applied to West Wales, for as a matter of fact there is mention of the 'counties' of Carmarthen and Cardigan in the Patent Rolls as early as 1241, and in 1242 their 'county courts' and their 'metes and bounds' were already fixed and known.¹² It was not until the reign of Edward I that *comitatus* became the regular designation for them. Previously, several names were in use. Down to 1241 the terms found in the records are *honor* and *castellaria*, both with the same meaning.¹³ From that date to the end of Henry III's reign,

² Hunter, *The Pipe Roll of 31 Henry I*, p. 90.

³ Lloyd, ii. 699.

⁴ *Ibid.* p. 618; the surrender was made in 1199.

⁴ *Ibid.* pp. 400 f., 426, 519.

⁵ *Ibid.* pp. 674-5; it was captured in 1231.

⁷ *Ibid.* p. 699.

⁸ *Statutes of the Realm* (ed. 1810), i. 56. The closing sentences of section ii speak of 'Carmarthen, with its cantreds and commotes and ancient metes and bounds', and so also of Cardigan.

⁹ *The Welsh Shires*, published in *Y Cymmrodor*, ix. 201-26, especially pp. 210-16.

¹⁰ *Annals of Dunstable in Annales Monastici* (Rolls Series), iii. 200.

¹¹ Cf. *Annales Cambriae* (Rolls Series), p. 90; *Brut y Tywysogion* (Rolls Series), p. 340.

¹² Cal. of Patent Rolls, 30 October 1241, p. 265; *ibid.* 1 March 1242, p. 292-3. The original of the former entry (Patent Roll, 26 Henry III, part i, membrane 13) reads as follows: 'Rex baronibus, militibus, liberis hominibus et probis hominibus de manerio et comitatu de Kardigan, et probis hominibus de manerio de Kaermerdin et comitatu de Kaermerdin', &c.

¹³ *The Pipe Roll of 31 Henry I*, p. 90 ('honour of Carmarthen'); *Cal. of Patent Rolls*, 18 August 1226, p. 58 ('honour of Cardigan and of Carmarthen'); so also

honor alternates with *comitatus*, and the two are employed synonymously.¹⁴ The shires of Cardigan and Carmarthen were in origin, therefore, the older honours or castellaries—the territories attached respectively to each stronghold for purposes of administration and justice—under a new title. They were not definitely created as were those of North Wales; like Lancashire they were pre-existing aggregations of territory which acquired the name of county.¹⁵

During the thirty-eight years following their definitive acquisition by Henry III in 1241, the honour-counties of Cardigan and Carmarthen were in the hands of three successive lords. They were retained by the king himself until 1254, when they were granted by him to the Lord Edward along with the earldom of Chester and various other lands in Wales and elsewhere;¹⁶ and in 1265 Edward in turn granted Carmarthen and Cardigan to his brother Edmund,¹⁷ who remained in possession till 1279. None of these changes made any difference in the machinery of administration. The two counties were not administered by sheriffs, but were under the joint government of a single official called the bailiff or steward.¹⁸ The grant to Edmund in 1265, however, introduced an important alteration in their status; for the bailiff, hitherto appointed by the king, now became Edmund's nominee,¹⁹ and the two shires were constituted a marcher lordship.²⁰ From the point of view of the Crown such a turn of events was under any circumstances unwelcome, and after his accession to the throne, Edward came to perceive more closely the unfortunate consequences of the change he had made in 1265. As a result of his victory over Llywelyn in 1277, Edward found himself master of five out of the six commotes of Ceredigion, namely, Geneu'r Glyn, Perfedd, Creuddyn, Anhuniog, and Mefenydd. In March 1275 these five commotes were joined for administrative purposes to 'the castle and honour of Llanbadarn Fawr', that is, Aberystwyth, and com-

ibid. 25 April 1228, p. 184, and 8 October 1229, pp. 276-7; *ibid.* 17 March 1218, p. 143 ('de honoribus de castellariis de Kaermerdin et de Kardigan').

¹⁴ For 'honour' see *Cal. of Patent Rolls*, 3 November 1242, pp. 342 f., and 6 May 1254, p. 369; for 'county' see *ibid.* 13 March 1242, p. 276, 3 November 1242, pp. 342 f., and 10 February 1271, p. 516. *Castellaria* occurs in 1246; *ibid.* 17 February 1246, p. 474.

¹⁵ The 'honour of Lancaster' of Norman times became a shire under the Angevins. Pembroke and Glamorgan, it may be added, came to be called shires very much in the same way.

¹⁶ *Cal. of Patent Rolls*, 14 February 1254, p. 270.

¹⁷ *Ibid.* 28 November 1265, p. 513.

¹⁸ e.g. *ibid.* 13 March 1242, p. 276; 20 August 1248, p. 25; 24 January 1277, p. 189.

¹⁹ *Ibid.* 10 February 1271, p. 516; 24 January 1277, p. 189.

²⁰ *Ibid.* 6 November 1268, p. 299, especially the phrase 'as other marchers in the march of Wales have their lands'.

mitted to the charge of Roger de Molis, who bore the title of steward.²¹ The arrangement, however, cannot have been satisfactory to Edward, for if he had only kept Cardigan and Carmarthen, he would now have had a much larger tract of territory at his command in south-west Wales. It was natural, therefore, that the king should wish to recall the grant made to his brother, and it was not long before he found a means of doing so. In November 1279 he recovered Cardigan and Carmarthen by an exchange with his brother for certain lands in Derbyshire.²² About a month after the transfer had been effected, the five commotes were consolidated with Carmarthen and Cardigan to form one whole. Over this new district Edward set Bogo de Knoville, with the title of 'justice of West Wales'.²³ It is important to notice, however, that the justice was not an absolutely new official. As the two counties which he ruled were the old honours under a new name, so also the justice was really only the old 'bailiff' or 'steward of Carmarthen and Cardigan', with a more important title to express the greater extent of his authority. The older title died hard, for six months after his appointment as justice of West Wales, Bogo de Knoville was still occasionally addressed as 'steward of Cardigan and Carmarthen'.²⁴

The subject of the organization of the two counties of which West Wales was composed cannot be treated in more than a fragmentary and provisional fashion until the much neglected Welsh records are further explored. The following statements are based almost entirely upon evidence contained in the accounts of the chamberlains of Carmarthen during the reign of Edward I. Unfortunately, only four of these accounts are extant, and none are of earlier date than 1298;²⁵ they have also the limitation

²¹ *Cal. of Chancery Rolls, Various* (Welsh Roll), p. 166, 8 March 1278: he was appointed to keep 'the castle and honour of Llanbadarn Fawr together with all the king's lands in the county of Cardigan'; his accounts for his term of office (P. R. O. Ministers' Accounts 1158/1) show that the five commotes were the lands in Cardigan alluded to. For the title steward (rendered in Latin as *senescallus*) see Ministers' Accounts, *ibid.*, *passim*.

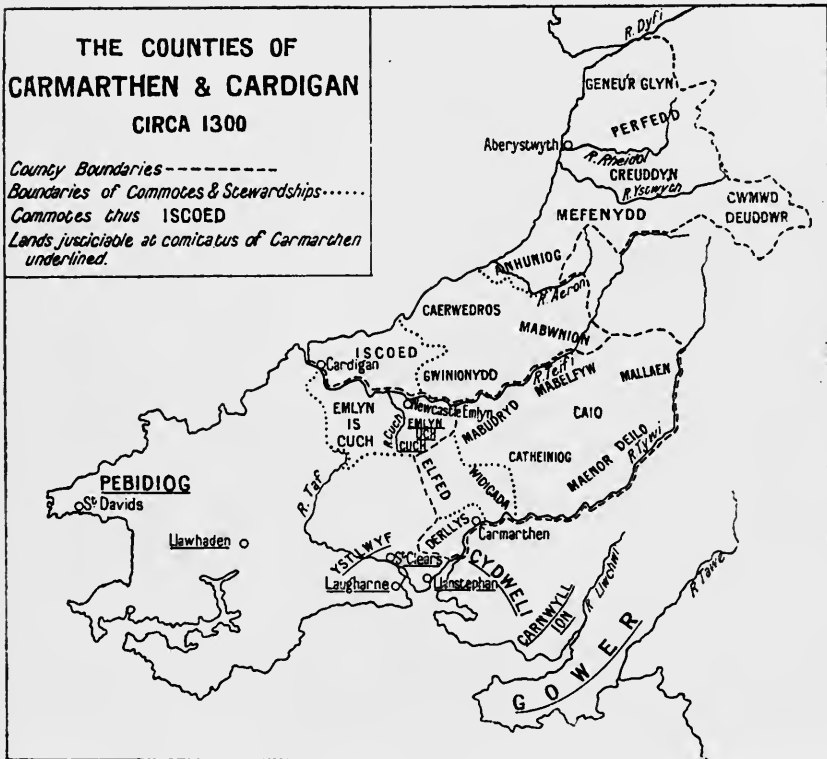
²² *Cal. of Charter Rolls*, ii, 10 November 1279, pp. 215, 218.

²³ *Cal. of Chancery Rolls, Various*, p. 182, 5 January 1280. Edmund had directed John de Beauchamp, his 'steward of Carmarthen and Cardigan', to hand over his charge on 30 November; *Cal. of Charter Rolls*, ii, 218.

²⁴ *Cal. of Patent Rolls*, 30 July 1280, p. 412.

²⁵ The extant accounts are: Pipe Roll 146, mm. 51-3, accounts from 29 May 1298 to 1 April 1300; m. 35, accounts from 1 April 1300 to 7 February 1301; Ministers' Accounts 1218/1, accounts for the year ending Michaelmas 1302; 1218/2, accounts for the year ending Michaelmas 1304; 1218/2, (fragmentary) accounts for the year ending Michaelmas 1306. All these accounts are arranged on the same plan, and are largely identical even in the wording of their items, but the Pipe Roll versions are not, of course, so detailed as those of the ministers. In the following pages references are made almost entirely to Ministers' Accounts 1218/1, which is typical of the rest.

that being concerned only with finance, they often withhold as much information as they impart; but a certain number of important facts can nevertheless be gathered from them. It may first be stated that the solitary passage of the *Statutum Walliae* in which reference is made to West Wales is of no real value as evidence. It merely ordains that there shall be sheriffs, coroners, and bailiffs of commotes in each of the southern shires in the manner already prescribed for the three counties of North



Wales.²⁶ It thus conceals the material point that the local administration of West Wales was not a mere duplicate of that of the north, but that it had distinctive peculiarities of its own.

The chamberlains' accounts show that the term county, in the case of both Cardigan and Carmarthen, really covered a very complex state of things.²⁷ Carmarthenshire was in fact a double county, consisting of a *comitatus Anglicorum de Kermerdyn*, and

²⁶ *Statutes of the Realm*, i. 56.

²⁷ In connexion with the present paragraph see the accompanying map, which is based upon the very useful map included by Professor J. E. Lloyd in his *History of Wales*, and also upon the valuable chapter on 'The Tribal Divisions of Wales', in the same work. The boundaries of Elfed, Derllys, and Widigada are only approximate.

a *comitatus Wallensium de Kermerdyn*. The Welsh county was made up of the two commotes of Elfed and Widigada.²⁸ The English county consisted of three parts. First, there was the *comitatus Anglicorum de Kermerdyn* proper, which was confined to the commote of Derllys, in which Carmarthen itself stood. To this were attached for purposes of justice, secondly, a number of scattered districts: such as the cantred of Pebidiog, which was territorially a part of the liberty of the bishop of St. David's,²⁹ the commotes of Emlyn Uch Cuch³⁰ and Ystlwyf,³¹ and the march lands of St. Clears, Laugharne, Llanstephan, Cydweli, and Carnwyllion, Gower, and the bishop of St. David's barony of Llawhaden.³² Thirdly, there was the *altera pars comitatus Anglicorum de Kermerdyn*, otherwise known as Cantref Mawr, which is described as consisting of the six commotes of Catheiniog, Maenor Deilo, Mallaen, Caio, Mabelfyw, and Mabudryd. This *altera pars* of the English county is treated in the accounts as a distinct unit called the stewardship (*senescalcia*) of Cantref Mawr.³³ Cardiganshire was equally composite. In strictness, the county of Cardigan consisted only of the commote of Iscoed,³⁴ in which Cardigan town itself stood. The rest of the shire, in the wider sense, was divided into the two stewardships of Is Aeron (*Sub Ayron*) and Uch Aeron (*Supra Ayron*); the former made up of the three commotes of Caerwedros, Mabwnion, and Gwinyondd, the latter of the six commotes of Geneu'r Glyn, Perfedd, Creuddyn, Anhuniog, Mefenydd, and Deuddwr.³⁵

Two questions at once arise with regard to this curious medley of areas: how it originated, and how the various parts were related. Both are much easier to ask than to answer. It will have been noticed that, as the *comitatus Anglicorum de Kermerdyn* was made up of the single commote of Derllys, so in like manner the county of Cardigan consisted of *tantum unum commotum dictum Iscoyt*. Evidently the original nucleus of each shire was

²⁸ 'Commoti de Elveth in comitatu Wallensium de Kermerdyn . . . commoti de Wytigada in comitatu Wallensium de Kermerdyn . . . totius comitatus Wallensium continentis dietos duos commotos'; Ministers' Accounts, 1218/1.

²⁹ 'Cantref Penbidiok in libertate Episcopi Menevensis, cuius patrie habitatores placitant in dicto comitatu'; *ibid.*

³⁰ Bridgeman, *Princes of South Wales*, p. 187, quoting an inquisition of 1288.

³¹ *Ibid.*; so also *Cal. of Charter Rolls*, ii. 427.

³² Daniel-Tyssen and Evans, *Royal Charters relating to Carmarthen*, pp. 48-9 (an inquisition taken in 1275).

³³ 'Patrie diete de Cantrefmaur, continentis sex commotos . . . que patria est una senescalcia per se'; Ministers' Accounts, *ibid.* The six commotes are specified as above.

³⁴ 'Comitatus de Cardigan, continentis tantum unum commotum dictum Iscoyt'; Ministers' Accounts, *ibid.*

³⁵ 'Patrie de Subayron continentis tres commotos . . . que patria est una senescalcia per se . . . patrie de Supra Ayron continentis sex commotos . . . que patria est una senescalcia per se'; *ibid.* The commotes are specified as above.

the commote in which the castle town stood. The complexity of the resultant counties as they appear at the close of the thirteenth century was due, there can be little doubt, to the fact that they were not created at one stroke, like those of North Wales, but grew by degrees. The stewardships were the later, or rather the last accretions which, although forming part of their respective counties, were not completely merged in them, but retained a good deal of their separate individuality: they were in fact the acquisitions made by Edward I himself. Uch Aeron and Is Aeron represent the territory gained in the south after the wars of 1277 and 1284,³⁶ while Cantref Mawr was the patrimony of Rhys ap Maredudd, forfeited in 1287 as the result of his rebellion in that year.³⁷ The most interesting fact with regard to the stewardships, however, is that in spite of their designation, they were really ancient divisions. Each of them perpetuated the name and boundaries of an old Welsh cantred. And they were not, like the cantreds of North Wales, territorial divisions occasionally used for purposes of government: on the contrary, each had its regularly constituted head in the person of its steward, and was a definite unit in the system of local administration. The stewards seem always to have been Welshmen, and this fact suggests that the office was some older institution masquerading—like so much else in West Wales—under a new name: it is natural to suppose that the steward represented some former cantred official such as the *Maer* or *Raglot*, and if so, it seems to follow that the cantred in West Wales must have retained some of its old functions right through the thirteenth century, even after it had been superseded for most purposes, and especially for purposes of justice, by the commote.

It is more difficult to explain the relation of the *comitatus Wallensium de Kermerdyn* to the *comitatus Anglicorum*; or in what sense the *senescalcia* of Cantref Mawr was the *altera pars comitatus Anglicorum*; or again what was the bond that united the commote-county of Cardigan with the two stewardships of Uch Aeron and Is Aeron to form the greater Cardiganshire. Some light may be obtained by considering the position of the sheriffs. The Statute of Wales ordained that there should be

³⁶ These districts had been parts of Cardiganshire for judicial purposes before 1277, and the commotes of Anhuniog, Perfedd, and Creuddyn had been in Edward's possession for a time during Henry III's reign (Bridgeman, *op. cit.*, p. 152): it was not until after the two wars with Llywelyn, however, that they were permanently annexed.

³⁷ Cantref Mawr was apparently in some way justiciable at the *comitatus* of Carmarthen before 1287 (Peckham's *Letters*, Rolls Series, ii. 451-2), but the position seems to have been uncertain, and the uncertainty was one of the causes of Rhys's rebellion.

a sheriff in each county. The office does not appear to have previously existed in Cardigan and Carmarthen, and it may therefore have been the creation of the ordinance of 1284;³⁸ if so, it was the one administrative innovation that West Wales owed to the *Statutum Walliae*. When the Exchequer records for West Wales emerge fourteen years later, references are indeed made to the sheriffs, but they do not tell us very much about them. Plainly indeed their status was much inferior to that of their northern colleagues. The sheriff of Carmarthen was apparently little more than a clerk in the employment of the justice,³⁹ and received a fee of only two shillings per week;⁴⁰ whereas the North Wales sheriffs had their independent official standing, with the respectable salary of £20 a year. As to the duties of the sheriff of Carmarthen, nothing can be gathered from the chamberlains' accounts beyond the fact that he kept a roll containing particulars of the amounts derived from the pleas and perquisites of the *comitatus*.⁴¹ Presumably, therefore, he acted as presiding officer of that assembly. It would seem, however, that the courts of the English and Welsh parts of the shire were distinct—although they were doubtless held at the same time⁴²—for the receipts derived from the pleas and perquisites of each court are separately entered in the chamberlains' accounts. Of the sheriff of Cardigan nothing can be learned from the accounts beyond the mere mention of a *rotulus vicecomitis* recording the amounts received *de placitis et perquisitis*; there is no reference, as in the case of the neighbouring county, to any definite person that held the office, or of wages paid on its account. Nor does either of the sheriffs in West Wales seem to have performed the amount of financial work associated with the office in the north. At Carnarvon a great part of the revenue received by the local exchequer was paid in through the sheriffs, but at Carmarthen the chamberlain seems to have dealt directly with the commote officials, except in the case of issues of the

³⁸ The earliest reference to a sheriff of Carmarthen noticed by the present writer comes in December 1284; *Cal. of Chancery Rolls, Various*, p. 297.

³⁹ Pipe Roll 146, m. 52: Walter de Pederton, the justice, receives £20 a year for the custody of Carmarthen castle and also for 'Thome filio Willelmi vicecomiti ibidem, et Willclmo le Ffort latimeri ibidem, quos idem Walterus habuit in sua comitiva'.

⁴⁰ Pipe Roll 146, m. 35: 'In vadiis Thome clerici vicecomitis de Kermerdyn capientis qualibet septimana ii solidos.' So too Ministers' Accounts 1218/1 and 1218/2. for William de Klebury.

⁴¹ Ministers' Accounts 1218/1: 'De placitis et perquisitis curie comitatus de Cardigan . . . ut patet per particulas extractas a rotulo vicecomitis loci.'

⁴² Cf. *Cal. of Chancery Rolls, Various*, p. 184: royal order, dated 23 May 1280. that the king wills, by reason of the multitude of suitors, both Englishmen and Welshmen, of his county of Carmarthen, that whereas the court used to be held always in times past on Thursday, it shall henceforth always be held on two days, to wit, on Thursday and Friday.

pleas and perquisites of the commote courts, which were apparently accounted for by the various stewards.⁴³ We must infer, therefore, that the connexion between Cantref Mawr and the *comitatus Anglicorum de Kermerdyn*, and between Uch Aeron and Is Aeron and the *comitatus de Cardigan continens tantum unum commotum dictum Iscoyt* on the other, was in some respects rather slight. In many ways the counties of Cardigan and Carmarthen (using the term 'county' in the larger sense, as including the stewardships) must have been very vague organisms, and this lack of consolidation is reflected in the comparative insignificance of their sheriffs. Nevertheless, in one sense they were real organisms: Cantref Mawr was still an *altera pars* of the county of Carmarthen, just as surely as Uch Aeron and Is Aeron were Cardiganshire.⁴⁴ The grounds of the unity are nowhere openly stated, but no doubt Cantref Mawr was part of Carmarthenshire, and Uch Aeron and Is Aeron were parts of Cardiganshire, for the reason that their inhabitants owed suit to the respective county courts.

J. G. EDWARDS.

The Legend of the Incendiary Birds

DURING the baronial attack on London in the spring of 1267,¹ Richard of Suthchirche, the sheriff of Essex, came to the hundred of Chafford and there made various requisitions for the fighters and the wounded. A remarkable point in the record, which is preserved in the Essex Hundred Rolls of 1274, is the threat which accompanied these extortions. The return is partly in Latin, partly in French.

1. Idem Ricardus de Sutherche cepit iniuste a Thoma de la Newelaunde frumentum avenam et siliginem precium tocius x solidorum et gallos ad portandum ingnem ad incendium Lundoniarum.²

2. Ricardus de Sutherche cepit in ecclesia de Opministre xxv quarteria de brais et xiii bacones et ii carcoista boum et i pisam et dimidium casei et XL gallos ad portandum ingnem ad incendendum civitatem Lundoniarum et LX gallinas ad sustinendum vulneratos et filum ad cordos balistarum et stupes ad sanandum plagas vulneratorum et ova ad faciendos entretes ad opus vulneratorum et piscoisas et tribulos ad prosternendum muros Lundoniarum precium tocius x libri.³

⁴³ The amounts of the pleas and perquisites of each of the commotes in Cantref Mawr, Uch Aeron, and Is Aeron are always entered as taken from the roll of the steward: 'Ut patet per particulas extractas a rotulo X. Y. senescalli de Cantrefmaur', &c.

⁴⁴ A certain Ieuan ap Moelwyn, who was steward of both Uch Aeron and Is Aeron in 1304, is called *senescallus totius Cardiganshire*: Ministers' Accounts, 1218/2.

¹ Thomas Wykes, *Chron.*, in *Ann. monast.* iv. 198 (Rolls Series); Trevel, *Ann.* (Engl. Hist. Soc.), p. 271.

² *Rotuli Hundredorum* (Record Commission), i. 148 a.

³ *Ibid.* i. 148 b.

3. Presente est par les jures des viles du hundred de Chafford ke Sire Richard de Sutcherche qant il fut viccounte de Essex ke il prist en la vile de Wokindon le Rokele viii coes et dit ke il freit lier fu as pes de coes et puis le freit voler en Lundres pur arder la vile, et gelines a grand partie et dit ke les malades del host les mangereient ⁴

This thrice recorded threat to burn down London by means of cocks with fire fastened to their feet, which is apparently regarded by the jurors of Chafford as a practicable military stratagem, seems to owe its origin to a legend which recurs frequently in the sagas and chansons of the early middle ages. The cities thus taken range from Iskorsten in Russia, Duna on the Hellespont, and a nameless city in Sicily to Dublin and Cirencester; the heroes to whom the achievement is attributed are Queen Olga, the vikings Hasting, Harold Hardrada, and Fridleif, Gormond or Gurmundus—a legendary form of the Guthrum who fought against Alfred, and Cerdic of Wessex.⁵ The details of this legend bear the closest resemblance, whether found in the French of Wace, the English of Lazamon, or the Icelandic of Snorro Sturluson. The leader of the besieging force catches sparrows or other small birds 'who nest in the town and fly to the woods by day to get their food',⁶ and binds inflammable materials—flax, tinder, wax, or shavings—to their backs or feet and sets fire to them, and lets them go at evening, when they fly back to their nests in the thatch or under the eaves of the houses, and so set the town on fire. Thus we read in Wace's Brut,

Moissons aroi et glu present,
 En escaille de nois fu misent
 Et od le fu fisent repondre
 Es prise de lin et de tondre,
 As piés des moissons l'espëndirent,
 Merveillois voisdie firent,
 Al soir, qant vint à l'avesprer,
 Laièrent los moissons aler,
 Il s'alèrent al soir colchier
 La. ou il soloient jochier,
 Es tas de blé et es buissons
 Et es sourondes des maisons,
 Et dis que li vile escaufa,
 Li vile esprist et aluma . . . ⁷

None of the extant versions of the story represent the incendiary birds as cocks, and the stratagem certainly loses something of its plausibility if the homing instincts of the sparrows are not

⁴ *Ibid.* i. 149 a.

⁵ See an article by F. Lot in *Romania*, xxvii. (1898), 1-54; and J. Bédier, *Les légendes épiques*, iv. 21 ff. (1913).

⁶ *Heimskringla, Saga Haralds Hardrada*, c. 6.

⁷ *Li romans de Brut*, ll. 14005 ff.

made use of. We have to inquire in what form the story had reached Richard of Suthchirche.

According to MM. Lot and Bédier, the story of the birds probably formed part of a *chanson de geste* of about 1088–1130 in date, named *Gormond et Isembard*, of which only a fragment is extant. There is, however, a fifteenth-century summary of the whole poem, which gives the story of the birds, attaching it, apparently, to the capture of Cirencester by Guthrum in 879. The first reference to the story in England would seem to be that of the *Vita Merlini*, which is generally attributed to Geoffrey of Monmouth and dated by H. L. D. Ward approximately 1138–48.⁸ Merlin's prophecy predicts in general terms the capture of Cirencester by sparrows,⁹ referring apparently to the siege of that place in the sixth century,¹⁰ which, in Geoffrey's *Historia Regum Britanniae*, is conducted not by Ceawlin but by Gurmundus.¹¹ Gaimar (about 1147–52) in his *L'estorie des Engles*, ll. 855 ff., gives a slightly longer account, making Cerdic the leader of the besieging force; but the fullest and most picturesque accounts are those of Wace (about 1155) and Lazamon (about 1204), who add that Cirencester was after that event called Sparrow-chester.¹² As all these writers drew largely upon Geoffrey of Monmouth,¹³ it has been suggested that the story of the birds formed a part of the narrative in the *Historia Regum Britanniae* in a recension which has not been preserved.¹⁴ There has been considerable discussion as to the source from which Geoffrey obtained the story.¹⁵ He certainly knew, either at first or second hand, the *Chronicon Centulense*,¹⁶ which has the prose parallel of *Gormond et Isembard* but does not contain the story of the birds, and he may therefore well have been acquainted with the *chanson* also. On the other hand, the *chanson* itself, in its allusion by name to Cirencester, shows unmistakable traces of English

⁸ *Catalogue of Romances in the Manuscript Room of the British Museum*, i. 278.

⁹ 'Idem Kaer Keri circumdabit obsidione,
Passeribusque domos et moenia trudit ad inum.'—*Vita Merlini*, ll. 591 ff.

¹⁰ *Anglo-Saxon Chronicle*, 577.

¹¹ *Historia Regum Britanniae*, xi. 8.

¹² Lazamon (following Wace very closely), l. 29343 ff.:

And feole wintere seodden
 þ̅ folc þa þer wunede
 cleopeden heo Sparewenchestre
 in heore leod ƿellen
 and ƿet hit duðe fume men.
 to imuȝen þe alde deden.

There appears to be no evidence to confirm this statement, and no etymology that will explain it.

¹³ The long string of medieval chroniclers who repeat the story are obviously following Geoffrey, Wace, or Lazamon.

¹⁴ M. Lot in *Romania*, xxvii. 28.

¹⁵ Besides MM. Lot and Bédier, see Drs. Fluri and Zenker (as cited by M. Lot) and Mr. E. W. B. Nicholson in *Y Cymmrodor*, xxii.

¹⁶ Hariulf, *Chron. de l'Abbaye de Saint-Riquier*, ed. F. Lot, 1894.

influence, and, since its exact date is doubtful, it has been supposed to owe something to Geoffrey, whose book was known in France not long after the Chronicle was known in England.¹⁷

Again, the affinities of the story are undoubtedly Scandinavian, and the allusions of William of Malmesbury¹⁸ and Giraldus Cambrensis¹⁹ both suggest the currency of a Gurmund legend in their time. If, as M. Bédier maintains, we are to see learned or literary hands at work in the construction of a tale which brings a pagan king from Cirencester to Ponthieu, it is also probable that we owe the localization of the story of the birds at Cirencester to some writer who was as rationalizing but more credulous than Giraldus Cambrensis. The story having become associated with some Guthrum, Guthorm, or Guthmund, as with the other northern heroes, some chronicler discovered in the Anglo-Saxon Chronicle the allusion to Guthrum's occupation of Cirencester in the year 879, and the tale was forthwith planted there, to take root and blossom out alike in the divergent tales of Geoffrey, Gaimar, Wace, and Lazamon, in the fabulous nickname of the sparrow-city, in the later romances of a seven years' siege,²⁰ and in the Grismundes or Garmundes Tower, the site of which was still pointed out to visitors in Leland's day.²¹ The connexion, however brief, which existed in the reign of William the Conqueror between St. Riquier and England,²² helps to explain the Frankish elements in Geoffrey and the English elements in the *chanson de geste*. As M. Bédier says,²³ the allusion to Cirencester shows that the relation of the two stories was literary rather than popular.

If we ask, then, where Richard de Suthchirche had found the story, the answer will be either in the writings of Gaimar, Wace, or Lazamon, or in the popular legends current not only in the neighbourhood of Cirencester but also in the eastern counties which had once made up the historical Guthrum's kingdom of East Anglia.

HELEN M. CAM.

¹⁷ W. of Malmesbury, writing before 1123, uses Hariulf: *Gesta Regum*, xxxi. (Rolls Series). Geoffrey's book was at Bec in 1139.

¹⁸ *Gesta Regum Anglorum*, book ii, § 121 'Rex eorum Gudram quem nostri Gurmundum vocant.'

¹⁹ *Topographia Hibernica*, Distinctio iii, c. 38 'Mihī mirandrum videtur quod noster Anglorum populus Gurmundum clamat Hiberniam subiugasse et tam castra predicta quam fossata struxisse. . . . Hibernienses vero et eorum historiae scriptae . . . Gurmundum ignorant. . . . Alii vero . . . asserunt . . . quem nos Gurmundum, Hibernienses Turgesium vocare.'

²⁰ A. Neckam (1157-1217), *De Laudibus divinae Sapientiae*, p. 503 (Rolls Series).

Urbs vires experta tuas, Gurmunde, per annos

Septem, ni fallor, vix tibi deesse volet.

²¹ Leland's *Itinerary*, v. 61. The tradition was still alive in 1779. See Rudder, *New History of Gloucestershire*, p. 347.

²² See *Chronicon Centulense*, iv. 24, for lands held by St. Riquier in England, which were lost before 1085.

²³ *Les Légendes épiques*, iv. 81.

*Collectors' Accounts for the Clerical Tenth levied in
England by Order of Nicholas IV*

ON 16 March 1291, in answer to petitions which Edward I had addressed to the papacy for seven years, Nicholas IV granted to him the proceeds of a tenth to be levied on the income of the clergy of the British Isles for a period of six years.¹ The money was to be used for a crusade which the king had promised to undertake before 24 June 1293.² It was stipulated by the pope that the collection should be made by ecclesiastics under his direction,³ and the collectors appointed for England were Oliver Sutton, bishop of Lincoln, and John de Pontissara, bishop of Winchester.⁴ Their instructions were nearly identical with those issued to the collectors of the tenth imposed by the council of Lyons in 1274.⁵ They were to demand payment of the tax, in two portions each year, half at midsummer and half at Christmas, under pain of ecclesiastical censure for neglect to pay punctually. The work was to be carried on locally by two sworn deputies in each diocese, who were required to report annually to the collectors.⁶ These on their part were to inform the pope of the progress of the work. The following documents are reports made by the collectors and their deputies in accordance with these requirements.⁷

The collection of the tax was subject to many delays and interruptions. Although the initial payment became due at Christmas 1291, the collectors did not publish their commission in England until 31 August,⁸ and for the next few months they were occupied with the preliminary assessment.⁹ Their deputies

¹ Rymer, *Foedera*, i. 747.

² For these negotiations see Bliss, *Calendar of Entries in the Papal Registers*, i. 474, 479, 486, 509, 527, 551, 552; Rymer, *Foedera*, i. 663, 666, 675, 705, 725, 732, 733, 741, 746, 747; Theiner, *Vetera Monumenta Hibernorum*, pp. 130, 146-8. A brief account of these negotiations is given by Miss Graham, *The Taxation of Pope Nicholas IV*, ante, xxiii. 440, 441.

³ Rymer, *Foedera*, i. 714.

⁴ Their commission is dated 18 March 1291; further instructions were issued to them on 1 April: Barth. Cotton, pp. 183-7, 189-98.

⁵ Nicholas IV ordered that the collectors should observe the regulations established by Gregory X in 1274 (Bliss, *Calendar*, i. 527), but there are several slight differences between his instructions and those of Gregory. Compare the documents cited in note 4 with those cited ante, xxx. pp. 401-4, notes 24, 33, 47.

⁶ For the instructions given by the collectors to their deputies see *Liber Memorandum Ecclesie de Berneuelle*, ed. Clark, p. 208, and *Ann. de Oseneia*, p. 372.

⁷ For a brief statement concerning the general nature of collectors' accounts see *Quarterly Journal of Economics*, xxiii. 268, 269. An account by the collectors of this tenth in Scotland has been printed in *The Register of John de Halton*, ed. Thompson and Tout, i. 150-61.

⁸ Muniments of the Bishop of Lincoln, Register of Oliver Sutton, fo. 42.

⁹ The assessment of spiritualities occupied the remainder of 1291 (*Ann. de Dunstaplia*, p. 367; Barth. Cotton, p. 198; *Taxatio Ecclesiastica Angliae et Walliae*

were not appointed until the winter¹⁰ and the tax only began to be paid in March following.¹¹ After that the work went on regularly until some time between 10 June and 25 December 1294, when the levy of the tenth for the three remaining years was suspended.¹² The interruption was due to the wars with France, Wales, and Scotland,¹³ which caused Edward I to make heavy demands on the resources of the clergy.¹⁴ In September 1294 the clergy were constrained to grant half their annual income,¹⁵ and in each of the three following years they paid a tenth or more.¹⁶ Meanwhile the collection of the arrears of the papal tenth was kept up, and on 10 June 1296 there was a change of collectors. Geoffrey of Vezzano, resident collector in England of papal revenues other than the tenth, was ordered by Boniface VIII 'to obtain from the bishop of Lincoln, and send to the pope in writing, a full and exact account of the money received by him and the bishop of Winchester from the tenth, and of the persons with whom it was deposited and all particulars concerning its collection'. After the account was completed Geoffrey was to take the place of the bishop of Lincoln.¹⁷

1. The first of the following documents is a draft or a copy of the report rendered, after 1 January 1296,¹⁸ in obedience to the papal mandate. In the register of John de Pontissara, bishop of Winchester, where it is found,¹⁹ it is followed immediately by the copy of a letter dated 3 March 1296, in which the bishop asks the bishop of Lincoln to furnish him with all papers concerning the tenth for the purpose of accounting to the pope. The entry appears on fo. 215 and 216 of the register under the rubric 'istud est supra in secundo folio de verbo ad verbum', referring back to another entry of the same account on both

Auctoritate P. Nicolai IV, pp. 285, 314) and that of temporalities was going on in March and April of 1292 (British Museum, Harl. MS. 3658, fo. 18^v; *Ann. de Wigornia*, p. 509; *Ann. de Dunstaplia*, p. 372; *Taxatio Ecclesiastica*, pp. 318, 325.

¹⁰ The prior and convent of St. Katharine's, Lincoln, received their commission on 20 February 1292; Cambridge University Library, MS. Dd. x. 28, fo. 16.

¹¹ *Ann. de Wigornia*, p. 509; *Ann. de Oseneia*, p. 332; *Ann. de Dunstaplia*, p. 372.

¹² The collectors did not anticipate any interruption on 10 June, since they then fixed the sum to be exacted from Christchurch, Canterbury, for each of the three remaining years: Muniments of the Dean and Chapter of Canterbury, Register K, fo. 121.

¹³ The war with Scotland caused a similar cessation in the collection of the tenth in Scotland, when the tenth for only four years had become due: *Register of John de Halton*, ed. Thompson and Tout, i. pp. xxi, 153.

¹⁴ In a letter of 10 February 1301 Boniface ascribed the suspension to disturbances without explaining their nature: Bliss, *Calendar*, i. 591.

¹⁵ Barth. Cotton, pp. 247-50.

¹⁶ *Ibid.* p. 299; *Ann. de Dunstaplia*, pp. 404-7; W. Rishanger, ed. Riley, p. 182.

¹⁷ Bliss, *Calendar*, i. 565.

¹⁸ Below, p. 108.

¹⁹ My thanks are due to Mr. Wooldridge, the bishop's registrar, through whose courtesy I was given access to the register.

sides of fo. 213. A third account of the same receipts, which partially repeats the other two, is written on the recto and verso of fo. 212. Since the first-mentioned entry (A) is the fullest, it is made the basis of the following text, but variations in the second (B) and the third (C) are noted.²⁰

2. Geoffrey and the bishop of Winchester remained in office until 16 March 1300, when they were succeeded by Robert de Elenton, abbot of Waltham, and Ralph Baldock, dean of St. Paul's. The new collectors were ordered to secure an account from their predecessors,²¹ and the second of the following documents is probably a draft on which Geoffrey's report was partly based. It was drawn up after 25 March 1298, since William, bishop of Ely, is styled 'bone memorie';²² and probably before 13 November 1299, since Oliver Sutton is not so styled.²³ The original is a roll preserved among the muniments of the dean and chapter of St. Paul's.²⁴

Besides continuing the recovery of outstanding debts, the abbot of Waltham and the dean of St. Paul's also resumed the collection of the tenth due for the last three years. On 19 October 1300 they issued new commissions to the deputy-collectors,²⁵ who, in turn, notified the clergy that the payments for the fourth year would be due on 27 January and 16 April 1301.²⁶ Meanwhile, on 26 February 1301, Boniface VIII had ordered a new tenth for three years, and had appointed as collectors Richard Gravesend, bishop of London, and Bartholomew of Ferentino, a canon of St. Paul's.²⁷ They published their commission on 27 July 1301,²⁸ appointed their deputies during September and October,²⁹ and fixed the date of the first payment at 30 November.³⁰ If the exaction of the tenth imposed by Nicholas IV had been continued for the fifth year, the clergy would have been compelled to pay two tenths concurrently. To prevent this, Boniface VIII

²⁰ There are two more duplications of parts of the account on fo. 213^v and 216. They add nothing and have been ignored in constructing the following text.

²¹ *Registres de Boniface VIII*, ed. Digard, Faucon, and Thomas, no. 3539-42; Muniments of the Dean and Chapter of Canterbury, Register I, fo. 157^v-158^r.

²² Below, p. 111.

²³ Below, pp. 110, 111.

²⁴ Press A, box 54, no. 42. It is a pleasure to acknowledge my indebtedness to the Rev. W. P. Besley, librarian of the dean and chapter, for opportunity to use these muniments.

²⁵ Muniments of the Bishop of Salisbury, Register of Simon of Ghent, fo. 10.

²⁶ *Register of John de Halton*, i. 141-3.

²⁷ *Red Book of the Exchequer*, ed. Hall, iii. 1048-52; Muniments of the Dean and Chapter of Westminster, Misc. 18/5800.

²⁸ *Register of John de Halton*, i. 146-9; Muniments of the Bishop of Salisbury, Register of Simon of Ghent, fo. 11^v, 12.

²⁹ *Ibid.*; Cambridge University Library, MS. Dd. x. 28, fo. 16; Muniments of the Dean and Chapter of Westminster, Misc. 72/12326.

³⁰ Public Record Office, K. R. Memoranda Roll, 33-4 Edward I (79), m. 23.

on 3 December 1301 countermanded the collection of the remainder of the old tenth, and directed Bartholomew to obtain from the collectors an exact statement of the sum then collected.³¹ The account, which was finished on 8 August 1302, was rendered by the dean of St. Paul's alone³² as his colleague had recently died.³³ After this the collectors of the triennial tenth had charge also of the administration of the sexennial tenth until 1304,³⁴ when Bartholomew, who was then the only survivor,³⁵ delivered an account for the sexennial tenth, together with £120 then in his hands, to Gerard of Pecorara,³⁶ who had been appointed collector of all papal revenues in England by Benedict XI.³⁷ This collector had recovered only £50 additional when he was expelled from England.³⁸ In 1310 his successor, William Testa,³⁹ reported the receipt of £1,935 5s. 9 $\frac{3}{4}$ d. and in 1312 £854 9s. 6 $\frac{1}{2}$ d.⁴⁰ The papal collectors who succeeded Testa down to 1328 were commissioned to levy the arrears of this tenth,⁴¹ but they seem to have recovered little of it. Rigaud Asser secured from this source during a collectorship of nearly four years' duration only £10 4s. 10 $\frac{3}{4}$ d.⁴² After 1301 no attempt was made to collect the amount due for the last two of the six years for which the tenth had been originally imposed by Nicholas IV.

3. The third document is a summary of the reports made by the deputy-collectors of the tenth for the fourth year to the dean of St. Paul's and the abbot of Waltham at various times between 30 August 1301 and 6 April 1302. It is entered on four rolls preserved among the muniments of the dean and chapter of

³¹ *Registres de Boniface VIII*, 4436. A confused statement of this event is given in *Anonymi Chronicon Godstovianum*, in William Roper's *Vita Thomae Mori*, ed. Hearne, p. 225.

³² Below, p. 118.

³³ The abbot of Waltham had died before 2 February 1302: *Victoria History of the County of Essex*, ii. 171.

³⁴ I have found no papal commission authorizing Bartholomew and the bishop of London to collect the arrears, but there is no doubt that they assumed this function after 8 August 1302. Bartholomew accounted for arrears in 1304, as above stated, and later the executors of the bishop of London paid to William Testa, a papal collector, £100 of the arrears which the bishop had collected before his death. See the *Account of the Executors of Richard, Bishop of London, 1303, and of the Executors of Thomas, Bishop of Exeter, 1310*, ed. Hale and Ellacombe (Camden Society), p. 105.

³⁵ The bishop of London died on 9 December 1303: *Ann. Londonienses*, p. 131.

³⁶ *Ante*, xxviii. 319, 320.

³⁷ *Registres de Benoît XI*, ed. Grandjean, 1213-19.

³⁸ *Ante*, xxviii. 316, 319.

³⁹ Testa was papal collector in England from 1306 to 1313: *American Historical Review*, xviii. 56, 57.

⁴⁰ Public Record Office, Roman Transcripts, General Series, 59; Vatican Archives, *Instrumenta Miscellanea*, cap. ix, no. 54. For the dates of these reports see *American Historical Review*, xviii. 49, note 13.

⁴¹ Bliss, *Calendar*, ii. 117, 451-3; Wilkins, *Concilia*, ii. 431, 432; Vatican Archives, *Collectoriae*, 350, fo. 57.

⁴² Vatican Archives, *Introitus et Exitus*, 15, fo. 46^v.

St. Paul's.⁴³ Since returns from nine dioceses are lacking, it is probable that two or three rolls have been lost. The text is not here reproduced in full, because the form of entry is in every case the same as that of the first account on the first roll which is given below; and the names of the deputy-collectors have been omitted except where there were changes after 1296.⁴⁴

4. The fourth document is based in part on the third. It is the last portion of the final account rendered by the dean of St. Paul's to Bartholomew of Ferentino on 8 August 1302.⁴⁵ The original is among the 'Instrumenta Miscellanea' in the archives of the Vatican, but a search for it made in 1912 proved fruitless, because the documents were available only so far as the index had been completed. The following text is taken from a transcript of the original made by the late Mr. Bliss (or under his direction) which is deposited in the Public Record Office.⁴⁶ The document is described by the transcriber as 'a fragment consisting of a membrane, to the top of which was attached another; some of the threads remaining'. The missing portion contained presumably a summarized statement of the receipts.

W. E. LUNT.

I. FINAL ACCOUNT OF THE BISHOPS OF LINCOLN AND WINCHESTER

fo. 215

Computus finalis trium annorum decime sexennalis domino Edwardo, Dei gratia regi Anglie illustri, in subsidium Terre Sancte concesse per tres annos primos dumtaxat collecte per collectores in quibusdam civitate et diocesi ad hoc specialiter⁴⁷ deputatos.

Cantuarienses collectores respondent de MM CCCC XX li. XVIII d. ob. quad. De quibus allocantur eisdem pro expensis suis xxx li. Remanent de claro MM CCC III^{xx} x li. XVIII d. ob. quad.⁴⁸

⁴³ Press A, box 54, rolls 39-41.

⁴⁴ See below, note 48.

⁴⁵ The date given below is 8 August in the fifteenth indiction. The only year coinciding with this date when the dean of St. Paul's could have accounted to Bartholomew of Ferentino was 1302, since Ralph Baldock ceased to be dean in 1306.

⁴⁶ Roman Transcripts, General Series, 59.

⁴⁷ Omitted in C.

⁴⁸ The form of entry in C is different. Except in the first item the only sum entered is that for which the deputy-collectors answer and the names of the deputies are specified. In the following list of deputies taken from C the constantly recurring terms, abbot or prior and convent, dean and chapter, and archdeaconry are abbreviated respectively ab. or pr. and c., d. and c., and archd.

Canterbury, ab. and c. St. Augustine's.

Rochester, pr. and c. Rochester.

Chichester, d. and c.

London, not named.

Winchester, archd. Winchester, ab. and c. Hyde; archd. Surrey, ab. and c. Chertsey.

The following entries contain similar items for each diocese and may be summarized :

Collectores	Respondent de			Allocantur pro expensis			Remanent de claro		
	£	s.	d.	£	s.	d.	£	s.	d.
Cantuarienses . . .	2,420	1	6½	30	0	0	2,390	1	6½
Roffenses	726	8	5	15	0	0	711	8	5
Cycestrenses . . .	2,025	12	0½	20	0	0	2,005	12	0½
Londonienses . . .	2,713	4	0	21	6	8	2,691	17	4
Wyntonienses . . .	3,039	11	4½ ⁴⁹	36	0	0	3,003	11	4½
Sarisburienses . . .	3,327	2	3½ ⁵⁰	45	0	0	3,282	2	3½
Bathonienses . . .	1,966	19	4½	25	0	0	1,941	19	4½
Exonienses	1,466	11	5½	20	0	0	1,446	11	5½
Wygornienses . . .	2,216	5	0½	20	0	0	2,196	5	0½
Herefordenses . . .	1,654	16	8½	30	0	0	1,624	16	8½
Landavenses . . .	622	13	0½	10	0	0	612	13	0½
Assavenses	381	11	0	10	0	0	371	11	0
Bangorenses	258	7	9	10	0	0	248	7	9
Menevenses	820	1	6½	20	0	0	800	1	6½
Lincolnienses . . .	12,087	7	8½ ⁵¹	90	0	0	11,997	7	8½
Norwycenses	7,075	1	9½ ⁵²	40	0	0	7,035	1	9½
Elyenses	2,031	4	9 ⁵³	20	0	0	2,011	4	9
Coventrenses . . .	2,588	16	11½ ⁵⁴	30	0	0	2,558	16	11½
Eboracenses	8,254	11	11½ ⁵⁵	75	0	0	8,179	11	11½
Dunolmenses	3,260	10	8½ ⁵⁶	30	0	0	3,230	10	8½
Karcolenses	803	13	10½ ⁵⁷	20	0	0	783	13	10½

Salisbury, archd. Salisbury and Dorset, ab. and c. Sherborne; archd. Berks. and Wilts., ab. and c. Reading.

Bath, ab. and c. Glastonbury.

Exeter, d. and c.

Worcester, ab. and c. Gloucester.

Hereford, archd. Hereford, ab. and c. Reading; archd. Salop. ab. and c. Wigmore.

Llandaff, ab. and c. Margam.

St. Asaph, ab. and c. Basingwerk.

Bangor, bishop and chapter.

St. David's, pr. and c. Llanthony Prima and pr. and c. Carmarthen.

Lincoln, archd. Lincoln, Stowe, Leicester, and deanery of Rutland, pr. and c. St. Katharine's; archd. Oxford, Buckingham, Bedford, Huntingdon, and Northampton, except deanery of Rutland, ab. and c. Osney.

Norwich, archd. Norwich and Norfolk, pr. and c. Wymondham; archd. Suffolk and Sudbury, pr. and c. Bury St. Edmunds.

Ely, pr. and c. Ely, collector of spiritualities, and pr. and c. Barnwell, collector of temporalities.

Coventry and Lichfield, archd. Derby, Chester, and Salop. ab. and c. Burton; archd. Coventry and Stafford, pr. and c. Kenilworth.

York, ab. and c. St. Mary's, ab. and c. Thurgarton, ab. and c. St. Oswald's, and ab. and c. Furness.

Durham, pr. and c. Durham.

Carlisle, not named.

⁴⁹ Two items in C, amounting to £3,042 11s. 4½d.

⁵⁰ Two items in C, amounting to £3,337 2s. 3½d.

⁵¹ Two items in C, amounting to £12,354 2s. 5½d.

⁵² Two items in C, amounting to £7,063 12s. 11½d.

⁵³ Two items in C, amounting to £2,059 6s. 1½d.

⁵⁴ Two items in C, amounting to £2,608 16s. 1½d.

⁵⁵ Four items in C, amounting to £8,218 15s. 9½d.

⁵⁶ £3,260 11s. 11½d., C.

⁵⁷ £950 13s. 1d., C.

fo. 215 v. Summa⁵⁸ summarum integralis totius responsionis predicte LX^m VIII^o XLIII li. XIII s. III d.⁵⁹

Summa summarum expensarum superius allocatarum DCXVII li. VI s. VIII d.⁶⁰

Et sic debet remanere penes collectores LX^m CC XXVI li. VI s. VIII d.⁶¹

De⁶² qua summa deposite sunt penes mercatores et alios infrascriptos viros ydoneos quantitates pecunie infrascripte, videlicet :

Penes mercatores de societate Pullicum et Rembertinorum de Florentia XIII^m CCC XXXIII li. VI s. VIII d. De qua summa facte fuerunt expense tam circa taxationem quam alia necessaria ipsam decimam contingentia usque ad diem dominicum proximum ante festum epiphanie Domini anno Domini M^o CC^o nonagesimo quinto⁶³ usque ad summam D III^{xx} X li. III s. VI d. ob. quad.

Item penes societatem Pistoriensem MM li.

⁵⁸ From this point C differs so much from A that it seems best to give the text of C in full (parentheses indicate blank spaces in the manuscript):—

Summa omnium receptorum predictorum per tres annos ut predictur LX^m IX^o LXVIII li. III s. I d.

De qua summa liberantur mercatoribus subscriptis denarii infrascripti, videlicet, mercatoribus

de societate Pullicum et Rembertinorum XIII^m IX^o LXVII li. XVII s. VIII d. ob. de societate Pistoriensi MM li.

de societate de Spina M CCC XXXIII li. VI s. VIII d.

de societate Mozorum DC LXVI li. XIII s. III d.

de societate de Sena (*blank*).

Summa liberationum mercatoribus XVIII^m DC XXXIII li. XI s. ob. per litteras obligatores corundem.

Item liberantur priori ecclesie Christi Cantuarie per litteras obligatores eiusdem CC li.

Item domino Dunelmensi episcopo M li.

Summa totius liberationis facte tam mercatoribus quam aliis suprascriptis XIX^m VIII^o XXXIII li. XI s. ob.

Et sic debent remanere in manibus collectorum XLII^m C XXXIII li. XIII s. ob.

De quibus dicunt dominum regem cepisse per ministros suos XXXIII^m IX^o LVII li. XII s. IX d. quad.

Et sic debent remanere penes dictos collectores VII^m C LXXVI li. III d. quad. Que summa est in manibus diversorum debitorum excommunicatorum et interdicatorum preter quamdem partem quam cepit dominus rex per ministros suos, ut creditur; quantum tamen adhuc ignoratur et ex causa.

Memorandum quod de illa magna summa superius scripta de liberatione facta mercatoribus suprascriptis facte fuerunt expense per eosdem mercatores usque ad sextum diem Decembris anno Domini M CC nonagesimo tertio D XX li. VIII s. XI d. ob. quad.

⁵⁹ *Summa omnium receptorum predictorum* (), B.

⁶⁰ *Summa omnium expensarum allocatarum predictarum* (), B.

⁶¹ *Et sic remanere debent penes dictos collectores* (), B.

⁶² From this point to the paragraph beginning 'Que summa pro maiori parte B does not duplicate A. The entry in B follows:—

De qua summa deposite sunt penes mercatores XVIII^m DC XXXIII li. XI s. ob.

Item penes dominum Dunelmensem M li.

Item penes priorem ecclesie Christi Cantuarie CC li.

Et sic debent remanere in manibus collectorum ().

De quibus dicunt dominum regem occupare ().

Et sic debent remanere penes dictos collectores ().

⁶³ 1 January 1296.

Item penes societatem de Spina M CCC XXXIII li. VI s. VIII d.

Item penes societatem Mozorum DC LXVI li. XIII s. IIII d.

Item penes societatem de Sena ⁶⁴ CCCC LXVI li. XIII s. IIII d.

Summa depositi facti mercatoribus unacum expensis supra proximis declaratis XVII^m VIII^o li.

Item penes dominum Lyncolniensem episcopum M li.

Item penes priorem ecclesie Christi Cantuarie CC li.⁶⁵

Item penes priorem de Sele Cycestrensis diocesis CC li.

Summa M III^o li., de quibus omnibus depositis sunt littere obligatorie sufficientes apud Novum Templum Londonie in custodia domini Lyncolniensis episcopi predicti.

Summa totius depositi facti tam mercatoribus quam aliis suprascriptis XIX^m CC li. unacum expensis predictis.

Et sic remanere debent penes dictos collectores XLI^m XXVI li. VI s. VIII d.

De quibus dicitur dominum regem cepisse per ministros suos XXXIII^m XXXIII li. VI s. VIII d. et ultra, set quantum nescitur adhuc, quia non poterunt connotari collectores tute postmodum propter guerram.

Et sic remanere debent penes eosdem collectores, deductis deposito et captione predictis, computatis, CCC li. penes dominum Londoniensem episcopum predictum depositis, VII^m DCCCC III^{XX} XIII li.⁶⁶

Que summa pro maiori parte ⁶⁷ est ⁶⁸ in manibus diversorum debitorum, que nulla censura ecclesiastica hucusque ⁶⁹ levari potuit, nec creditur quod fo. 216 levari poterit in futurum rationibus infrascriptis.⁷⁰ Tum propter paupertatem plurium rectorum et aliorum ecclesiasticorum virorum qui de bonis suis ecclesiasticis etiam parte vivendo ⁷¹ sustentari ⁷² nequeunt hiis diebus. Tum propter paupertatem quorundam ecclesiasticorum virorum defunctorum post tempus taxationis decime, qui, licet diversis censuris ⁷³ ecclesiasticis ligati fuissent, tamen ante mortem suam bona sua consumpserunt, decima non soluta. Tum propter depauperationem parochianorum tam per communem sterilitatem regni Anglie quam per morinam animalium per que ecclesiarum proventus in tantum decreverunt quod ⁷⁴ ipsarum ecclesiarum rectores eandem decimam, servati eisdem victui necessario, sine magno scandalo solvere nequeunt hiis diebus. Tum propter generalem turbationem totius regni ⁷⁵ Anglie per discordiam motam inter reges Anglie et Francie,⁷⁶ compelluntur enim ecclesiastici

⁶⁴ *Spina* deleted in MS.

⁶⁵ The prior and convent of Christchurch acknowledged receipt of this sum by a bond dated 12 June 1294; Muniments of the Dean and Chapter of Canterbury, Register I, fo. 173. The loan was repaid to the abbot of Waltham and the dean of London on 7 January 1301: Cambridge University Library, MS. Ee. 31, fo. 85^r.

⁶⁶ Here C ends and B begins again to duplicate A.

⁶⁷ *pro maiori parte* omitted in B.

⁶⁸ *dicitur remanere*, B.

⁶⁹ Omitted in B.

⁷⁰ *rationibus infrascriptis* omitted in B.

⁷¹ In B *mediocriter* is substituted for *parte vivendo*.

⁷² In B *aut victualiare* is inserted after *sustentari*.

⁷³ *sententiis*, B.

⁷⁴ After *quod* B has *decimam ipsam solvere nequeunt incurati, licet contra eos per sententias suspensionis, excommunicationis et interdicti per ipsius decime collectores efficaciter sit processum*.

⁷⁵ *terre*, B.

⁷⁶ *Francorum*, A. The remainder of the sentence, here printed from B, is omitted in A.

virī ad custodiam maris pro defensione terre nec sine sumptibus onerosis. Tum propter destructionem⁷⁷ totius terre Wallie per guerram quam ipsi moverunt contra regem Anglie⁷⁸ tempore iam transacto. Tum propter hoc quia archiepiscopus, episcopus, abbatie, prioratus de patronatu domini regis, comitum et baronium regni Anglie⁷⁹ vacantes, de quorum proventibus pro tempore custodie sue solvi decimam non permittunt,⁸⁰ quia ad eius solutionem pro⁸¹ predicto tempore se asserunt⁸² non teneri. Tum propter hoc quia⁸³ plures clerici potentes decedentes, quorum bona propter debita domini regis in quibus sibi tenebantur ex diversis causis statim post mortem eorum⁸⁴ confiscantur, qui dum vixerint⁸⁵ decimam solvere non curaverunt; ⁸⁶ licet tam contra illos quam contra alios superius nominatos non solventes per suspensionis, excommunicationis et interdicti sententias per ipsius decime collectores ante hoc tempore efficaciter sit processum.

II. ACCOUNT OF GEOFFREY OF VEZZANO FOR ARREARS OF THE FIRST THREE YEARS⁸⁷

mem. 1 Pecunia recepta per Giffredum de Vezano subrogatum super negotio decime concesso pro subsidio Terre Sancte in locum reverendi patris domini O. Lincolniensis episcopi.

xx li. ab abbate de Schireburne in partem solutionis pecunie decime que remansit penes eum et conventum suum in compoto reddito per dominum Lincolniensem episcopum.

Similar items given in full in the manuscript are here abbreviated.

cv li. ab abbate et conventu de Waltham.

liiii^{ss} li. a priore et conventu Sancti Edmundi.

Summa trium particularum predictarum est ccv li., que fuerunt assignate sociis mercatorum camere domini nostri pape, et factum instrumentum per Jacobum de Briga.

cx li. xvi s. x d. ob. ab abbate et conventu de Burton super Trentam.

xx li. ab abbate et conventu Sancti Iohannis Colecestrie.

xl li. ab abbate et conventu Oseneye.

cxli. a decano et capitulo Exoniensis ecclesie.

cxx li. a priore et conventu Sancte Katerine iuxta Lincolniam.

l li. ab abbate et conventu Beate Marie Eboracensis.

xx li. ab abbate et conventu Oseneye.

xx li. a decano et capitulo Exoniensis ecclesie.

v li. liii s. iii d. ab abbate et conventu de Margan Landavensis diocesis.

Summa novem particularum proximo suprascriptarum est v^c xxxvi li.

xliii d. ob.

⁷⁷ *consumptionem*, B.

⁷⁸ The remainder of the sentence is omitted in B.

⁷⁹ *comitum . . . Anglie* omitted in B.

⁸⁰ *permittit*, B.

⁸² *asserit*, B.

⁸⁴ *post mortem eorum* omitted in B.

⁸⁵ *vixerunt*, B.

⁸⁷ The following title written in a contemporary hand appears on the verso of the second membrane: *Pecunia recepta de arrearagiis primorum trium annorum decime sexannalis per Giffredum de Vezano.*

⁸¹ Omitted in B.

⁸³ *quod quia*, A.

⁸⁶ Here B ends.

Supradicte particule continentes predictam summam assignate et numerate fuerunt sociis trium societatum camere; et solverunt ipsi mercatores de dicta summa magistro Iohanni Bonichi de Senis de mandato mei Giffredi pro octo mensibus et tercia parte unius mensis quibus idem magister Iohannes vacavit eundo ad curiam Romanam et morando ibi et expectando responsionem a domino papa occasione compoti decime redditu per dominum Lincolniensem episcopum et ad curiam destinati, quadraginta libras; et de residuo, scilicet de III^c LXXXVI li. I s. I d. ob., factum fuit publicum instrumentum per Robertum de Patrica.

LXVI li. XIII s. III d. ab abbate et conventu de Hyda Wyntoniensis diocesis.

cc li. a domino . . Bathoniensi et Wellensi episcopo de pecunia dicte decime que deposita fuit penes ipsum per dominos I. Wyntoniensem O. Lincolniensem episcopos sicut continetur in compoto per dictum Lincolniensem episcopum reddito.⁸⁸

xviii li. ab abbate et conventu Redingie.

xx li. a priore et conventu Sancte Trinitatis Londonie.

Summa dictarum quatuor particularum scripta in predicta facie, videlicet a xviii die Maii usque ad xxix diem Iulii, ccciiii li. XIII s. III d., de qua summa factum fuit instrumentum publicum per magistrum Robertum de Patrica.

cxxxiii li. VI s. VIII d. a priore et conventu de Wymundham Norwy- mem. 2 censis diocesis.

xx li. ab abbate et conventu Oseneye.

xx li. a dictis abbate et conventu Oseneye.⁸⁹

ccclxxxix li. I s. VI d. a priore et conventu Sancte Katerine iuxta Lincolniam.

ccc li. a domino Londoniensi episcopo de pecunia dicte decime que deposita fuit penes ipsum per dominos Wyntoniensem et Lincolniensem episcopos sicut continetur in compoto per dictum Lincolniensem episcopum reddito.

Summa prescriptarum quinque particularum est viii^c LXII li. VIII s. II d. sterlingorum; de quibus Puchius Bonelli de Clarentum, Philippus Geradini de Spinorum, et Philippus Burgi de Mozorum societatibus fecerunt recognitionem, et instrumentum factum est per manus Willelmi de Sarzana, publici notarii.

vii li. xvii s. a domino Iohanne de Lincolnia, clerico bone memorie domini Willelmi Elyensis episcopi, rectore ecclesie de Granycotes Lincolniensis diocesis, per manus Melioris mercatoris de Pistorio pro arreragiis decime contingentis dictam ecclesiam pro primis tribus annis de sex quibus concessa fuit pro subsidio Terre Sancte, pro quibus tribus annis dominus O. Lincolniensis episcopus reddidit compotum; et dixit Melior,

⁸⁸ The bishop of Bath and Wells on 19 January 1295 acknowledged the receipt of £1,000 of the proceeds of the tenth and on 7 February 1295 the receipt of £350: *Two Chartularies of the Priory of St. Peter at Bath* (Somerset Record Soc.), pt. ii, p. 89; *Hist. MSS. Comm., Third Report*, app., p. 361; *Report on the Manuscripts of Wells Cathedral*, p. 299; *Calendar of the MSS. of the Dean and Chapter of Wells*, ii. 576.

⁸⁹ Geoffrey of Vezzano issued a receipt to the abbot and convent of Oseney for £20 on 6 April (?) 1298 and another for £8 on 19 July 1299: *Bodleian Library, Oseney Charters*, 26, 26*.

dum Giffredus diceret sibi quod prior Sancte Katerine dixerat ei quod dicta ecclesia erat in maioribus arreragiis, quod amplius sibi non solverat et satis constare poterat per certificarium officialis Eboracensis per quem citatus fuit predecessor ipsius Iohannis solutum ⁹⁰ pro dicta quantitate.

Predictam pecuniam numerari fecit dictus Giffredus supradictis mercatoribus trium societatum, et ipsi mercatores solverunt de mandato ipsius Giffredi magistro Roberto de Patrica, qui ivit ad certas partes per Angliam et Walliam ad requirendum collectores prefate decime pro solutione pecunie que remanserat penes eos in compoto reddito per dominum Lincolniensem, triginta et unum solidos.

Item magistro Iohanni Bonichi de Senis, conquerenti multociens quod male satisfactum erat ei de expensis quas fecerat eundo per Teruენტam ⁹¹ et Brabanciam ad Romanam curiam et morando ibi occasione compoti redditi per ipsum dominum Lincolniensem episcopum ad sedem apostolicam destinati et redeundo in Angliam pro octo mensibus et tercia parte unius mensis quibus vacavit expectando longo tempore responcionem a domino papa in Urbe Vetere et Roma, centum solidos.

Item magistro Iacobo de Briga et Willelmo de Sarzana pro duobus instrumentis factis de pecunia dictis mercatoribus assignata ⁹²
v s.

Item pro diversis scripturis et pergame[nis] ⁹³ et instrument[is] ⁹³ factis a Gerardo Roberto xvi s.

Item xxii d. ab abbate de la Dale Coventrensis et Lychfeldensis diocesis pro redditibus sex solidorum quos habet in diocesi Lincolniensi et non fuerunt in taxatione positi; quos xxii denarios habuit magister R. de Patrica pro quodam instrumento facto.

III. ACCOUNT OF THE ABBOT OF WALTHAM AND THE DEAN OF ST. PAUL'S FOR THE FOURTH YEAR

Norwycensis. ⁹⁴

Roll 41

Memorandum anno gratie millesimo trecentesimo primo vi^{to} nonas Octobris ⁹⁵ prior et conventus Sancti Edmundi, collectores decime bonorum ecclesiasticorum tam temporalium quam spiritualium in archidiaconatibus Suffolchie et Subyrie Norwicensis diocesis domino Edwardo dei gratia regi Anglie illustri in subsidium Terre Sancte per sex annos concessa a dominis abbate monasterii de Waltham et decano ecclesie Londoniensis executoribus principalibus deputate, reddiderunt compotum suum apud Novum Templum Londonie per fratres Servarinum de Hildercl et Petrum de Cloptone conmonachos et procuratores suos de tota decima pro quarto anno debita in forma que sequitur.

Idem procuratores respondent de mille triginta libris septem solidis octo denariis obolo et quadrante de decima debita pro toto quarto anno.

⁹⁰ MS. rubbed.

⁹¹ Thérouanne.

⁹² Two words are illegible on account of the manuscript being rubbed.

⁹³ MS. rubbed.

⁹⁴ Endorsed: *compotus episcopatum Norwicensis, Karleolensis, Lincolniensis, Elyensis. Rotulus totius de anno quarto.*

⁹⁵ 2 October 1301.

De quibus dicti collectores solverunt mercatoribus camere domini pape de Mozorum, Spinorum et Clarentum societatibus octingentas libras per duas acquietantias sigillis dictorum abbatis et decani signatas penes dictos procuratores remanentes.

Et allocantur eis pro expensis suis circa collectionem dicte decime factis decem marce.

Item pro decima contingente episcopum Roffensem pro ecclesia de Iselham et manerio de Frekenham in archidiaconatu Subyrie octo libre tresdecim solidi duo denarii, quia concessum est predicto domino episcopo Roffensi quod totam decimam suam bonorum temporalium et spiritualium ubicumque existentium solvat priori et conventui Roffensi collectoribus de decima in diocesi Roffensi pro quarto anno et duobus sequentibus.

Item pro decima bonorum temporalium prioris et conventus ecclesie Christi Cantuarie in maneriis de Assche, Boxford, Hecham, Keteberstoun, Hadeleye et Illeye septem libre duo solidi tres denarii obolus quadrans, quia concessum est predictis priori et conventui ecclesie Christi Cantuarie quod totam decimam suam ipsos ubique contingentem solvant collectoribus in diocesi Cantuariensi.

Item allocantur eis pro decima porcionis Martini in Wilesham ad duas marcas taxate duo solidi octo denarii. Item et pro decima porcionis Iohannis de Aldham in Blakenham Parva ad unam [marcam]⁹⁶ taxate sexdecim denarii, quia possessores earundem non sunt alibi beneficiati.

Et sic remanent onerati de ducentis septem libris quatuordecim solidis undecim denariis. De quibus dicunt esse in manibus diversorum debitorum quorum nomina in quodam rotulo sigillis dictorum procuratorum sigillato continentur triginta due libre quinque solidi duo denarii obolus et quadrans.

The remaining accounts with the deputy-collectors are entered in the same form as the preceding, and may therefore be summarized with it.

NORWICH

Archdeaconries of Suffolk and Sudbury.

Proctors: Brothers Servarinus de Hilderdele and Peter de Cloptone.
2 October 1301.

	£	s.	d.	£	s.	d.
Charged with	1,030	7	8½			
Paid to cameral merchants				800	0	0
Allowed for expenses				6	13	4
Allowed for items erroneously charged				16	0	5½
Remain charged with	207	14	11			
Still in the hands of debtors	32	5	2½			

⁹⁶ Not in MS.

Archdeaonries of Norwich and Norfolk.

Collectors : prior and convent of Norwich.

Proctors : Brothers Thomas de Plumstede and Nicholas de Hindebne-
stone. 3 October 1301.

	£	s.	d.	£	s.	d.
Charged with	1,326	7	2 $\frac{1}{4}$			
Paid to cameral merchants				1,072	16	4
Allowed for expenses				6	13	4
Allowed for items erroneously charged				17	15	1 $\frac{1}{2}$
Remain charged with	229	2	4 $\frac{3}{4}$			
Still in the hands of debtors	147	15	6			

CARLISLE

Collectors : prior and convent of St. Mary's, Carlisle.

Proctor : Brother Alan de Frysintone. 4 October 1301.

Charged with	317	2	6 $\frac{3}{4}$			
Paid to cameral merchants				133	6	8
Allowed for expenses				6	13	4
Remain charged with	167	2	6 $\frac{3}{4}$			
Still in the hands of debtors	133	18	6 $\frac{1}{4}$ ⁹⁷			

LINCOLN

Archdeaonries of Lincoln, Stow, Leicester, and the deanery of Rutland.

Proctor : Brother Robert de Rottone. 7 October 1301.

Charged with	2,315	19	2 $\frac{1}{2}$			
Paid to cameral merchants				1,560	0	0
Allowed for expenses				16	13	4
Remain charged with	739	5	10 $\frac{1}{2}$			
Still in the hands of debtors	636	14	1 $\frac{1}{2}$			

*Archdeaonries of Oxford, Buckingham, Bedford, Huntingdon, and
Northampton except the deanery of Rutland.*Proctors : Brothers Hugh de Comptone and Alan Stussyne. 19 October
1301.

Charged with	1,778	3	4			
Paid to cameral merchants				739	16	8 $\frac{1}{2}$
Allowed for expenses				13	6	8
Allowed for items erroneously charged				19	2	5 $\frac{1}{2}$
Remain charged with	1,005	5	10			
Still in the hands of debtors	281	11	11			

ELY

Collectors : prior and convent of Barnwell.

Proctor : William de Bokesworth, clerk. 10 October 1301.

⁹⁷ Most of this cannot be levied on account of the destruction wrought by the Scots.

	£	s.	d.	£	s.	d.
Charged with	384	12	4½			
Paid to cameral merchants . .				45	0	0
Allowed for expenses				3	6	8
Allowed for items erroneously charged				0	2	0
Remain charged with	336	3	8½			
Still in the hands of debtors . . .	267	17	1			

Collectors : prior and convent of Ely.

Proctors : Brothers Robert de Swafham and Stephen. 6 October 1301.

Charged with	291	17	6¾			
Paid to cameral merchants . .				132	0	0
Allowed for expenses				6	0	0
Remain charged with	153	17	6¾			
Still in the hands of debtors . . .	10	17	6¾			

DURHAM ⁹⁸

Roll 39

Proctor : Brother Henry de Staunforde. 30 August 1301.

Charged with	1,086	16	10¾			
Paid to cameral merchants . .				340	0	0
Remain charged with	746	16	10¾			
Still in the hands of debtors . . .	305	4	4 ⁹⁹			

CANTERBURY

Proctor : Brother Stephen de Berking. 7 December 1301.

Charged with	983	8	2¼			
Paid to cameral merchants . .				633	0	0
Paid to the archbishop of Canter- bury				91	13	11¼
Allowed for expenses				10	0	0
Allowed for items erroneously charged				3	13	4
Remain charged with	245	0	11			
Still in the hands of debtors . . .	196	9	7¼			

ROCHESTER

Collectors : prior and convent of Rochester.

Proctor : Brother John de Grenestrete. 28 September 1301.

Charged with	248	0	1			
Paid to cameral merchants . .				140	0	0
Allowed for expenses				5	0	0
Allowed for items erroneously charged				3	3	7
Remain charged with	99	16	5¾			
Still in the hands of debtors . . .	37	2	6¾			

⁹⁸ Endorsed : *compotus episcopatum Dunelmensis, Cantuariensis, Roffensis, Cicestrensis, Sarisberiensis. Compotus anni quarti, rotulus primus.*

⁹⁹ This remainder is due from the churches of Northumberland which the Scots have laid waste.

CHICHESTER

Proctors : Brother Philip de Erlingtone and Adam de Ruslington,
clerk. 4 September 1301.

	£	s.	d.	£	s.	d.
Charged with	687	14	7 $\frac{3}{4}$			
Paid to cameral merchants				450	0	0
Allowed for expenses				5	0	0
Allowed for items erroneously charged				41	8	1
Remain charged with	191	6	6 $\frac{3}{4}$			
Still in the hands of debtors	151	6	6 $\frac{3}{4}$			
Paid after the above account was made up				40	0	0

SALISBURY

Archdeaconries of Wilts and Berks.

Proctors : Brother William Henreed and Richard Waneting, clerk.
12 September 1301.

Charged with	616	1	8 $\frac{3}{4}$			
Paid to cameral merchants				330	0	0
Allowed for expenses				6	13	4
Allowed for items erroneously charged				0	13	4
Remain charged with	278	15	0 $\frac{3}{4}$			
Still in the hands of debtors	41	6	2 $\frac{1}{4}$			

Archdeaconries of Sarum and Dorset.

Proctors : Brother John de Thorneford and David, vicar of Sherborne,
clerk. 9 September 1301.

Charged with	806	11	5 $\frac{1}{2}$			
Paid to cameral merchants				628	0	0
Allowed for expenses				8	6	8
Allowed for items erroneously charged				0	0	6
Remain charged with	168	8	9			
Still in the hands of debtors	150	11	7 $\frac{1}{2}$			

Roll 40

LLANDAFF¹⁰⁰

Proctors : Brothers Henry Vower and Thomas Beneyt. 3 November
1301.

Charged with	207	10	5 $\frac{1}{4}$			
Paid to cameral merchants				98	19	5
Allowed for expenses				3	6	8
Remain charged with	105	4	4 $\frac{1}{4}$			
Still in the hands of debtors	11	2	9 $\frac{1}{4}$			

¹⁰⁰ Endorsed : *compotus episcopatum Landavensis, Menevensis, Bangorensis, Assavensis. De anno quarto.*

ST. DAVID'S

Archdeaconries of St. David's and Brecon.

Proctor: Adam de Bromhale, clerk.	5 November 1301.			
		£	s.	d.
Charged with	175	6	3½ ¹⁰¹	
Paid to cameral merchants				87 10 0
Allowed for expenses				3 6 8
Remain charged with	84	9	7½	
Still in the hands of debtors	19	8	10½	

Archdeaconries of Carmarthen and Cardigan.

Proctor: Brother John Chandos.	6 April 1302.			
Charged with	98	3	9½ ¹⁰¹	
Paid to cameral merchants				54 7 0
Allowed for expenses				3 6 8
Remain charged with	40	10	1½	
Still in the hands of debtors	32	10	0	

BANGOR

Proctor: Magister Adam Gogh, clerk.	14 November 1301.			
Charged with	86	2	7	
Paid to cameral merchants				47 0 0
Allowed for expenses				3 6 8
Remain charged with	35	15	11 ¹⁰²	

ST. ASAPH

Collectors: abbot and convent of Aberconway. Appeared personally 14 January 1302.

Charged with	127	4	8½	
Paid to cameral merchants				2 0 0
Deposited in the treasury of Osney with Brother Hugh de Comptone				82 16 0
Allowed for expenses				3 6 8
Remain charged with	39	2	0½	
Still in the hands of debtors			all ¹⁰²	

IV. FINAL ACCOUNT OF THE ABBOT OF WALTHAM AND THE DEAN OF ST. PAUL'S

Stipendiis clericorum et expensis nuntiorum et aliorum ministrorum vacantium circa expeditionem dicte decime ac in aliis necessariis dictam decimam contingentibus quadraginta libras novem denarios sterlingorum. Item expenderunt in salario tabellionum et expensis cursorum frequenter ad singulos subcollectores transmissorum et emptionibus rerum necessariorum ad expeditionem dicti negotii per visum mercatorum viginti sex

¹⁰¹ MS. rubbed.

¹⁰² The greater part of the remainder cannot be secured on account of the frequent wars in those parts.

libras quatuor solidos septem denarios obolum et quadrantem sterlingorum. Item allocaverunt subcollectoribus dicte decime in provinciis memoratis per diversas dioceses deputatis pro expensis suis taxatis et iuratis circa collectionem dicte decime factis prout in singulis eorum compotis continetur centum et quater viginti quindecim libras sterlingorum. Et sciendum quod subcollectoribus dicte decime in Dunelmensi diocesi nondum allocaverunt expensas circa collectionem dicte decime factas; eo quod minus diligenter collegerunt. Item allocaverunt subcollectoribus dicte decime octo libras decem solidos et octo denarios pro quibusdam minutis beneficiis in eorum collectione existentibus predicto anno quarto indecimabilibus, eo quod possessores eorundem alia beneficia dicto tempore non habebant. Item allocaverunt subcollectoribus in archidiaconatibus Colecestrie et Essexæ sex solidos et octo denarios pro decima prebende de Stretingge, eo quod subcollectores in archidiaconatu Londonie deputati de eadem decima fuerant onerati. Item allocaverunt subcollectoribus in archidiaconatu Norwicy decem libros sex solidos octo denarios obolum pro decima bonorum abbatis Sancti Edmundi in eorum collectione existentium, eo quod subcollectores in archidiaconatibus Suffolchie et Subbrie de tota decima dictum abbatem de Sancto Edmundo ubique contingente integraliter respondent in summa in qua dicta particularis decima continetur. Item allocaverunt subcollectoribus Norwyci predictis septuaginta novem solidos et obolum pro decima bonorum abbatis de Waltham in eorum collectione existentium, eo quod subcollectores in archidiaconatu Londonie de tota decima dictum abbatem ubique contingente integraliter respondent in summa in qua dicta particularis decima continetur. Item allocaverunt predictis subcollectoribus Norwyci quadraginta solidos octo denarios et obolum et subcollectoribus in archidiaconatibus Subbrie et Suffolchie septem libras duos solidos tres denarios obolum et quadrantem pro decima bonorum . . prioris et capituli ecclesie¹⁰³ Christi Cantuarie in eorum collectione existentium, eo quod subcollectores in diocesi Cantuariensi de tota decima dictos priorem et capitulum ubique contingente integraliter respondent in summa in qua dicte particulares summe continentur. Item idem decanus¹⁰⁴ computavit pro expensis dicti abbatis¹⁰⁵ factis pro tempore quo circa collectionem decime vacavit sexaginta sex libros tresdecim solidos et quatuor denarios, quos dictus abbas penes se retinuit. Item idem decanus computavit et retinuit pro expensis et sumptibus suis pro tempore quo cum dicto abbate dum superstes fuerat et post ipsius abbatis decessum diutius circa totum officium collectionis predicte vacavit centum quinquaginta libras.

Et tempore huiusmodi rationis redditæ remanserunt penes dictos subcollectores mille ducente quinquaginta tres libre sex solidi tres denarii in pecunia per eosdem collecta, et in manibus diversorum debitorum, qui nondum solverunt decimam eos contingentem, contra quos exacta diligentia dicti subcollectores processerunt ut asserunt, remanserunt tria milia nongente¹⁰⁶ quaterviginti decem due libre sex solidi septem denarii quadrans. Et sic summa solutorum expensorum allocatorum et residuorum

¹⁰³ *ecclesia*, MS.¹⁰⁴ Ralph Baldock, dean of St. Paul's.¹⁰⁵ Robert de Elenton, abbot of Waltham.¹⁰⁶ *nongentas*, MS.

prescriptorum ascendit ad viginti tria milia nongentas quaterviginti decem libras decem et novem solidos septem denarios et quadrantem sterlingorum. Que summa concordat cum summa summarum totalis decime unius anni et arreragiorum trium primorum annorum suprascripta.

Dictus vero magister Bartholomeus audivit et cum omni diligentia qua potuit examinavit et recepit exactam rationem a dicto domino decano de decima supradicta in forma superius annotata. Preterea dictus decanus prefato magistro Bartholomeo ad eiusdem magistri mandatum exhibuit et reddidit tresdecim instrumenta de dicta decima per Wyntoniensem et Lincolniensem episcopos ac magistrum Giffredum de Vezano, dudum dicte decime collectores,¹⁰⁷ penes certas personas deposita facientia mentionem, quorum instrumentorum transcripta penes dictum decanum remanent sigillo eiusdem magistri Bartholomei consignata. Et incepta fuit ratio predicta die supradicto et completa octavo die mensis Augusti anno et loco supradictis. In quorum omnium testimonium facta sunt duo instrumenta eiusdem tenoris sigillis predictorum domini decani et magistri Bartholomei consignata et de ipsorum mandato notarius infrascriptus publice se subscripsit. Et ego Willelmus, filius Willelmi dicti le Derturer de Seleborne Wyntoniensis diocesis, sacrosancte Romane ecclesie et sacri imperii et alme urbis prefeci publicus auctoritate notarius, lectioni et recitationi supradictis redditionis et receptionis rationis decime memorate, que lectio et recitatio facta fuit in presentia Iacobi Gili de Mozorum, Iohannis Grandoni de Spinorum de Florentia et Iohannis Aldobrandini de Clarentum de Pistorio societatibus mercatorum camere domini pape et aliorum testium infrascriptorum, interfui, et de mandato predictorum domini decani et magistri Bartholomei ad maiorem fidem publice me subscripsi et signum meum consuetum apposui anno et loco predictis, indictione XV, die octavo mensis Augusti, presentibus fratre Roberto dicto de Cornubia, canonico monasterii de Waltham, magistro Roberto de Iarkenvill, magistro Iohanne Bonichi de Senis, magistro Bertramo Grimandi, Iohanne Wading de Waltham, Ad' de Baudak', Petro de Waltham, clericis, et magistro Berardo de Aquila, notario publico, testibus ad hoc vocatis specialiter et rogatis.

The Conspiracy of Thomas Dunheved, 1327

THE following letter is printed from the Ancient Correspondence, vol. xxxv, no. 207, in the Public Record Office :

John Walewyn to John de Hotham, bishop of Ely and chancellor.

Honors et totes reverences come a son tres honorable seignor.

Sire, vous pleise sovenir que jeo vous certifai nadgaeres par ma lettre des nouns d'ascunes gentz enditeez devant moi ou counte de Glou[cestre], de lor venir aforceement devers le chastel de Berkel', d'avoir ravi le pere nostre seignor le roi hors de nostre garde et le dit chastel robbe felenousement encountre la pees ; et sus ceo, sire, m'avez mande une commissioun,

¹⁰⁷ collectiones, MS.

quele jeo vous reenvoi, de prendre certaines persones, fesaunt mencioun q'ils sunt enditeez devant moi, e uncore ne sunt point, entrelessant les nouns quels jeo ws enveai enclose dedeinz ma lettre. Sire, ces sunt les nouns de ceux que sunt enditeez : frere Johan de Neumoster, Estephene de Dunhevid, frere Thomas Dunhevid, Williame le fitz Williame Aylmer, Johan Botfiler de Staffordshire, Thomas de la Hay, Peres de la Rokele, Williame Aylmer l'eignee, Richard de Bircheston de Warwykshire, Johan de Rihale, frere Henri de Rihale, frere prechor, que sunt reseantz hors du counte de Glouc[estre] ; Richard le Fleshewere, daunz Robert de Shultone, moigne de Hayles, Williame nevou daunz Michel atte Hulle, chanoign de l'Antony de Glouc[estre]¹ Wauter de Saunford, William de Roscelee, persone de l'eglise de Huntelee, que sount du dit counte.

Sur quei, sire, vous pleise ordiner hastive e covenable remedie, kar, sire, assetz bien savetz ma charge. Et a ceo, sire, gentz de ley me dient que la commissioun que jeo ay fundee sur l'estatut de Wyncestre ne m'est mie garaunt de prendre nules gentz enditees par la cause susdite ; par quei, sire, vous pleise ordiner especial garant accordant au cas. D'autre part, j'ai entendu par certaines gentz des meons, que le sevent de vue e de oie, que assembleez se fount a grant noubre des gentz en counte de Bokyngham e es autres counteez joignauntz, por mesme la cause ; de quei, sire, veuillez estre tendre e ordiner hastive remedie. Et sunt pris deux grantz menors de cele compaignie par la comunalte de Dunstaple e illeosques sont² tenuz en prisoun, c'est assavoir : frere Johan de Redemere, gardein del haras nostre seignor le roy, et Johan Nortone. Et si vous vouletz, sire, que Esmoun Gascelyn et les autres nomez en la comissioun que jeo vous reenvoy soient pris, veuillez me maunder garant, sanz faire mentioun q'ils sunt enditeez devant moy, e jeo mettrai peine a les prendre.

Tres cher sire, le seint Espirit seit garde de vous.

Escrit a Berkel' le xxvij jour de Jul. [1327].

It appears from the patent rolls that some months before the date of this letter, William Aylmer, parson of the church of Dadynton, another William Aylmer, parson of the church of Beadewell, Stephen Dunheved, William de Ruscle, Pierre de la Rokel, and Thomas de la Haye were accused of divers felonies.³ These charges were possibly only a pretext for the arrest of persons who were suspected of conspiring against Isabella and her son. On 1 August we find letters patent were issued to the following effect :

Appointment of Thomas of Berkele, one of the chief keepers of the king's peace in the county of Gloucester, to arrest brother John de Neumoster, Stephen Dunhevid, brother Thomas Dunhevid, William son of William Aylemer, John Boteler of Staffordshire, Thomas de la Haye, Peter de Rokele, William Aylemer the elder, Richard de Birchesden of

¹ Lanthony, or Lanthonia secunda, near Gloucester, was at first a branch of Lanthonia prima (Llanhodonei) in the modern Monmouthshire (Dugdale, vi. 127), and a house of Austin canons. By the fourteenth century it had become the principal house.

² The MS. has *fort*.

³ March 1327, *Calendar of Patent Rolls*, 1327-30, p. 80.

Warwickshire, John de Rihale, Henry de Rihale, friar preacher, Richard le Flesschewere, Robert de Shulton monk of Hayles, William nephew of Michael atte Hulle, canon of Lantony Gloucester, Walter de Saunford, William de Roscele, parson of the church of Huntele, Edmund Gascelyn, John de Hill, Roger atte Watre and William le Parker of Alecestre, indicted before him for coming with an armed force to Berkele Castle to plunder it and refusing to join the king in his expedition against the Scots.

By king and certificate of the said Thomas de Berkele.⁴

It will be seen from John Walewyn's letter that he considered he had not sufficient powers to execute the warrant directed to him. This explains why Thomas of Berkeley, a more important official, was entrusted with the commission.⁵

Walewyn was a man 'of no great personal importance'.⁶ In 1311, according to a letter of Robert de Kendale to the earl of Richmond,⁷ he was imprisoned at Berwick on account of his relations with the Scots.⁸ Afterwards we find him styled king's clerk⁹ and doctor of civil law.¹⁰ He was canon of St. Paul's,¹¹ and received before 1322 the prebend of Wellington in the cathedral of Hereford. In 1315 he had been appointed 'escheator South of Trent and perambulator of the Forest',¹² in 1318 treasurer,¹³ and in 1321 'escheator beyond Trent';¹⁴ finally he was in 1322 'surveyor and chief keeper of castles, manors, and lands in Wales'.¹⁵ He died about 1330. It is obvious that Walewyn just failed to attain a high position, although he was given more than one opportunity for distinguishing himself. Two points in his biography are of interest for us: his canonry at Hereford connects him with Bishop Orleton; and his duties in relation to the castles in Wales may perhaps explain why he is unexpectedly mixed up with the events of Berkeley Castle.

Walewyn's letter printed above refers to a subject about which little is known, the conspiracy of Thomas Dunheved. Our sole source of information is the short account given as

⁴ *Ibid.* p. 156.

⁵ It may be noticed that according to Murimuth (*Contin. Chron.*, p. 53) and Walsingham (*Hist. Anglic.* i. 188), Thomas de Berkeley was deprived of the custody of Edward II about a month after the king's arrival at Berkeley Castle, consequently in May (compare also Geoffrey le Baker, *Chronicon*, p. 29). It is possible that in July Thomas de Berkeley was only nominally in charge of the prisoner.

⁶ Tout, *The Place of Edward II in English History*, pp. 127 f.; cf. pp. 332, 361-4.

⁷ 28 February 1311, *Ancient Correspondence*, xlviii, no. 54.

⁸ 'Mestre Johan Walewyn, sire, si est arestu et en prisoun a Berewyke pur ceo q'il vint devers celes parties sudeinement et ala parler oveskes Robert de Brus, par quey il demurt uncore en prisoun.'

⁹ *Cal. of Close Rolls, 1313-18*, p. 217, &c.

¹⁰ *Cal. of Close Rolls, 1318-23*, p. 118.

¹¹ He is mentioned as a cleric in 1302: *Cal. of Patent Rolls, 1301-7*, p. 86.

¹² *Cal. of Patent Rolls, 1313-17*, p. 295.

¹³ *Cal. of Close Rolls, 1318-23*, p. 118.

¹⁴ *Cal. of Fine Rolls*, iii. 78.

¹⁵ *Ibid.* p. 99.

hearsay in the *Annales Paulini*,¹⁶ and this is the substance of what we find there: Thomas de Dunheved, a Dominican friar and an eloquent preacher, had been sent to Rome, according to report, by Edward II in order to obtain for him a divorce from Queen Isabella. The mission was unsuccessful, and when the friar came back to England he heard of the imprisonment of his master. Immediately with some important persons, laymen and 'religious', he undertook to set him free. The conspiracy, however, was discovered; Thomas was taken at Bidebrok near Dunmore, brought before the queen, and then imprisoned at Pontefract about 11 June 1327.¹⁷ Six weeks later, we learn from Walewyn's letter, a new conspiracy, of which nothing has hitherto been known, succeeded in procuring the king's escape from Berkeley Castle. The phrase used by Walewyn is as clear as possible: he accuses the conspirators 'd'avoir ravi le pere de notre seigneur le roi hors de sa garde'. His letter is an official letter, and it is hardly conceivable that an official writing to the chancellor would have made a confusion between the intention and the fact.

The letters patent appointing Thomas de Berkeley, however, accuse the conspirators of a different and less startling 'crime', namely that they have come with an armed force to Berkeley Castle to plunder it, and refused to join the king in his expedition against the Scots. The reason for such a change in the indictment is obvious. Whether Edward II has really escaped from Berkeley Castle or not, it was, as we know, the constant policy of Isabella's and Edward's government to keep absolute silence on the subject. The real accusation, which Walewyn might safely mention in a private letter, could not possibly be put forward in the commission. Besides, it was not uncommon to set out a minor charge rather than the graver one in the warrant. When the king wished to punish rebels, they were frequently accused of 'having broken into the house of such a one, beaten his servants, and stolen his goods', while the real charge could not have been anything but an accusation of rebellion. If such means were taken in cases of minor importance, *a fortiori* we might expect that in the present case, where secrecy was imperative, the true motives would not be found in the commission to Thomas de Berkeley.

Another sentence of Walewyn's letter, however, may appear to conflict with the supposition of the king's flight. Walewyn concludes by warning the chancellor that other conspiracies are being formed in the neighbouring counties, and he asks him in

¹⁶ *Chron. of Edward I and Edward II* (ed. Stubbs), i. 337.

¹⁷ Walsingham says only, 'cum multi conspirarent ex amicis Edwardi nuper regis . . . ad eius liberationem': *Hist. Anglic.*, i. 189.

a very urgent manner, 'd'ordiner hastive remedie'. If the earlier conspiracy had been successful, the best remedies which the chancellor could contrive would have little value. But the king may have escaped a first time, and have been captured, so that his guardians would be extremely anxious to prevent the recurrence of such a thing; or the precautions taken after the disappearance of the king from Berkeley Castle were merely designed to prevent the conspirators from discovering what had happened. If we accept the latter theory—and the recapture of the king is not borne out by any text—we must see if it fits in with a curious letter of Manuel Fieschi, written many years later. This is what we read in this letter: ¹⁸

Ultimum miserunt eum ad castellum de Berchelle. Postea famulus qui custodiebat ipsum post aliqua tempora dixit patri vestro: 'Domine, dominus Thomas de Gornay et dominus Simon d'Esberfort milites venerunt causa interficiendi vos; si placet, dabo vobis raubas meas ut melius evadere possitis.' Tunc con dictis raubis, hora quasi noctis, exivit carcerem, et dum pervenisset usque ad ultimum ostium sine resistantia, quia non cognoscebatur, invenit hostiarium dormientem, quem subito interfecit; et receptis clavibus ostii, aperuit ostium et exivit et custos suus qui eum custodiebat.

No mention is made of conspirators, but these must have been necessary to prepare and to carry out the prisoner's flight. Besides, this flight may not have been so simple a matter as it appears from Fieschi's letter; and it is hardly credible that the gate of Berkeley Castle was watched by a single 'hostiarius' whom the king is supposed to have killed.

A few words may be added on some of the persons mentioned in Walewyn's letter. As we have already said, Thomas Dunheved was arrested and imprisoned at Pontefract: he attempted to escape from prison, was retaken and thrown into a horrible cell, where he died.¹⁹ Stephen Dunheved was taken on 1 July to Newgate Gaol in London; ²⁰ he was to be subjected there to severe confinement. Two years later, however, he escaped and was arrested in June 1329.²¹ He is not heard of again. William Aylmer, who is, with Hugh le Despenser, named among the chief rebels,²² was a clerk who received divers missions from Edward II's government—in 1324 he was associated with John de Stonore and some others to try the Welsh rebels who had adhered to Roger Mortimer.²³ Immediately after Isabella's

¹⁸ *Chron. of Edward I and Edward II*, ii. intr. p. civ.

¹⁹ *Ann. Paul.*, *ibid.*, i. 337.

²⁰ *Cal. of Close Rolls*, 1327-30, p. 146. The date is remarkable, showing that Stephen was in custody four weeks before the time when Walewyn says that he was not yet indicted before him.

²¹ *Ibid.* p. 549.

²² *Cal. of Pat. Rolls*, 1327-30, p. 100.

²³ *Cal. of Pat. Rolls*, 1321-4, p. 443.

coup d'état, his property was confiscated,²⁴ but he received his pardon soon after, on 25 April.²⁵ However, in July he appears as one of the men accused by Walewyn; we find no mention of him later. John le Botiller was probably the king's serjeant who served Edward II in Wales and was made a prisoner;²⁶ he had received, like Peter de la Rokele and Thomas de la Haye, a few commissions of 'oyer et terminer'; the latter was also keeper of the mouth of the Thames. None of these names are found on the rolls after July 1327. Edmund Gascelin (Wascelin, Gosselin) had had several commissions of array under Edward II in Wiltshire; he does not seem to have been troubled in 1327. As for John de Redemere (Radmere), keeper of the king's stud, and John de Norton, they were arrested at Dunstable and taken to Wallingford Castle, where Stephen Dunheved had been imprisoned;²⁷ they were probably sent back to Dunstable, for in October of the same year they were taken thence to Newgate.²⁸

FRÉDÉRIC J. TANQUERAY.

The Peasant Rising of 1381; the King's Itinerary

THE critical period of the insurrection of 1381 was the week following Trinity Sunday, 10 to 17 June. Walsingham gives the leading dates very precisely. On the 12th (Wednesday, the eve of Corpus Christi) the Kentish men were in Southwark, and forced their way into the city of London. On the 13th (the feast of Corpus Christi) the Savoy was sacked, Temple Bar burned, and the burning of the Hospital of St. John begun. On the 14th (Friday, the feast of St. Basil) the mob made its way into the Tower, seized Archbishop Sudbury, and beheaded him on Tower Hill, where his body remained all that day. On the 15th (Saturday, St. Vitus and St. Modestus) the meeting at Smithfield took place, and the death of Wat the Tyler. On this day the king issued his charter of manumission, dated from London, and addressed two letters, quoted by Walsingham, to St. Albans Abbey. During the next three days the king's force was assembling on Blackheath.

A series of memoranda concerning the Great Seal appears twice over in the latest edition of *Foedera* (1869: iv. 95, 123), both times out of order and with a wrong reference. This record is in fact taken from the Close Roll of 5 Richard II (m. 35 d), but it covers a period (from 12 June to 10 August) part of which

²⁴ *Cal. of Pat. Rolls*, 1327-30, p. 22.

²⁵ *Ibid.* p. 101.

²⁶ *Cal. of Pat. Rolls*, 1321-4, p. 50.

²⁷ *Cal. of Close Rolls*, 1327-30, p. 156.

²⁸ *Ibid.* p. 179.

was in an earlier regnal year ; and hence it has been erroneously attributed by Rymer (or his editors) to the roll of 4 Richard II. From it we learn that on Wednesday 12 June, Archbishop Sudbury resigned the office of chancellor, and gave up the seal. This took place in the Tower. On Friday the 14th, at the Wardrobe in London, after remaining apparently in the king's own hands for two days, the seal was entrusted temporarily to the earl of Arundel, with whom it remained for two days longer ; and on Sunday the 16th, again at the Wardrobe, it was given by the king to Hugh Segrave as keeper, 'until the King should provide a Chancellor'. Not until 10 August, when the court was at Reading Abbey, was a chancellor found in the person of William Courtenay, then bishop of London, who shortly after succeeded Sudbury in the archbishopric as well.

The testing clauses of writs enrolled upon the Patent and Close Rolls, supplemented by those of the privy seal warrants and one or two signet letters, show that the king, who had been at Henley on 2 June, was at Westminster from the 4th to the 12th. Probably during that day he removed for greater safety to the Tower, and thence (as we have seen) to the Wardrobe, remaining it would seem in London at all events until the 20th. See the *Calendar of Patent Rolls*. By the 22nd (the first day of a new regnal year) the crisis was over, but it remained to deal with the insurgents in detail. For that or other reasons the king was kept moving about the home counties during the next three months, as shown in the following table, compiled from the sources just mentioned. It should, however, be borne in mind that a writ tested at Westminster need not necessarily in all cases imply the king's presence. See, for example, 22 and 28 June and 7, 8 September, which are perhaps cases in point.

June 22.	Waltham.	Aug. 1-5.	Easthampstead.
22.	Westminster.	5-12.	Reading.
22-4.	London.	13.	Easthampstead.
27, 28.	Havering atte Bower.	14.	Reading.
28.	Westminster.	15-20.	Sheen.
30.	Havering atte Bower.	22-5.	Eltham.
July 1-7.	Chelmsford.	26, 28-30.	Leeds (Kent).
7, 8.	Havering atte Bower.	Sept. 1.	Leeds (Kent).
8-10.	London.	3, 4.	Oxford.
12.	Barnet.	5.	Eltham.
13, 15, 16.	St. Albans.	6, 7.	Sheen.
18-20.	St. Albans.	7, 8.	Westminster.
22-4.	Berkhampstead.	8, 9.	Sheen.
24, 26, 27.	King's Langley.	12, 14.	Westminster.
28-30.	Henley.	15.	Sheen.
31.	Easthampstead.		

From this time the court seems to have remained generally at Westminster as usual, except for a short stay at Berkhamstead early in October. It remains, however, to account for these few days: 21, 25, 26, 29 June; 9, 11, 14, 17, 21, 25 July; 21, 27, 31 August; 2, 10, 11, 17, 19, 21 September. W. H. B. BIRD.

Robert Bale, the London Chronicler

MR. RALPH FLENLEY in his *Six Town Chronicles*¹ was unable to add anything to the wordy notice of Robert Bale contained in the *Catalogus* of John Bale, who described him as 'iurisperitus in urbe Londinensi, in qua natus fertur, tantam est apud praetorem, tribunos ac cives adeptus gratiam, ut publicus civitatis notarius et in causis civilibus iudex haberetur'. Tanner, professedly on the authority of Francis Thynne, made Robert Bale recorder of London, and stated that he died in 1461. Mr. Flenley had no difficulty in showing that Robert Bale was never recorder, and suggested that the date 1461 should be 'claruit' not 'obiit'. But he had to add that 'we can find no trace of him in published records of any description'. The Chronicler may, however, be probably identified with a Robert Bale who figures in several documents in the Early Chancery Proceedings at the Public Record Office.

The first series of these relates to a suit by Robert Bale, and Agnes his wife, against Nicholas Marchall; it contains Bale's petition (in duplicate), the answer of Nicholas Marchall (fragmentary), the replication of Bale, and the rejoicing of Marchall; the petition is endorsed with the decision in the suit on 15 November 1457.² It appears that Robert Bale married, before 1438, Agnes, daughter of John Haunsard. By the desire of his wife's uncle, Thomas Haunsard, they were married at St. Thomas of Acres. Thomas Haunsard gave them 100*l.* for the marriage, and the money was invested in tenements and houses at Southwark; all the feoffees died, with the exception of Thomas Haunsard, who was alleged to have sold part of the property, and during sixteen years to have failed to pay the rents to Bale and his wife. Furthermore, Robert Bale had of his great trust delivered to Haunsard 100 marks, and divers jewels and stuff of household to the value of 40*l.*, to the use of his wife with remainder to his daughters. Thomas Haunsard, who was 'aged and contynued many years feble', was estranged from his niece and her husband by Nicholas Marchall, who after his death pretended

¹ pp. 67-70.

² Early Chancery Proceedings, 25/105-9—these are printed in *Select Cases in Chancery*, pp. 143-50 (Selden Society);—see also 17/218.

to be executor and withheld the money. Apparently Marchall alleged that Bale had received 100 marks of Haunsard. Bale replied that 50 marks was 'for costis and charges doon be the saide Robert at ye seide mariage' (perhaps in his legal capacity), and that the rest was in part payment for money due. Bale in the end recovered 194 marks, viz. 50 marks for the lands sold, and 144 marks for rent. Nicholas Marchall is described as an ironmonger, and may be identified with the alderman of Castle Baynard Ward from 1463 to 1465, who was one of the first Wardens of the Ironmongers' Company. The decision in the suit was given in 1457, but there had been a preliminary action in the mayor's court before Stephen Forster, who was mayor in 1454-5. Thomas Haunsard therefore died in or before 1455.

The second suit, which is dated between 1465 and 1470, was a petition of William Meborne of London, grocer, arising out of an action of debt, brought by him against Robert Bale of London, 'scryvener', in the Exchequer.³ Meborne obtained judgement for 130*l.*, and Bale being 'in execucion in Flete for the same' paid 20*l.* 19*s.* in part discharge. Afterwards, Meborne sent one John Kellam, gentleman, to obtain payment. Then Robert Bale 'untruly and disceytefully, in the prison of Flete aforesaid, forged an obligacion', specifying that he and others were bound to Kellam in a 100*l.* parcel of the balance of the debt, and with untrue witnesses and record deposed before Kellam that the bond was duly sealed and delivered. Kellam was taken in, and induced Meborne to give credence and send Bale a general acquittance. Bale succeeded by this means in obtaining his discharge in the Exchequer to the undoing of Meborne, who, now that the bond was found to be a forgery, sought his remedy in chancery. What came of the suit, and whether Meborne's allegations were true, does not appear.

A third case in which Bale's name appears was an attachment at the suit of John Brewester, gentleman, of gunpowder and other goods in the hands of the complainant, Thomas Whitby, but late of Robert Bale, scrivener; it was stated that the gunpowder was held to the use of the duke of Gloucester, and the other goods on behalf of Robert and William, children of the said Robert Bale. This was between 1473 and 1475.⁴

There is nothing in these proceedings to identify Robert Bale, scrivener, with the Chronicler. But since the Chronicler seems to have been a professional lawyer (his Chronicle suggests that his interests lay in this direction), the identification is at least plausible. At all events the Robert Bale of these Chancery

³ Early Chancery Proceedings, 32/281.

⁴ *Ibid.* 4^o/110.

Proceedings is the only person of the name who has so far come to light, who was a Londoner, a lawyer, and a contemporary of the Chronicler.

The biographical facts do not amount to much. As Bale seems to have married Agnes Haunsard some time before 1438, his birth may be placed about 1410. He probably did not die much before 1473. For the rest we learn that he was a man of some means, of a possibly chequered legal career, and the father of several children. It may be doubted whether John Bale had any better authority for stating that Robert had a high repute as a lawyer, and became a judge in civil causes, than his own rhetorical sympathy for a namesake. C. L. KINGSFORD.

The Lord Keeper's Speech to the Parliament of 1592/3

THE speeches delivered on the second day of the parliament of 1592/3 as inserted in D'Ewes' *Journals*, and the greater part of the opening speech of the first day, were derived from an anonymous journal taken by a member of the house of commons in that session. Of these speeches, the reply of the lord keeper, Sir John Puckering, to the Speaker's customary demand for privileges, includes the following statement: 'Priviledge of Speech is granted, but you must know what priviledge you have, not to speak every one what he listeth, or what cometh in his brain to utter that; but your priviledge is I or No.'¹ A literal interpretation of these last words is belied by the actual proceedings in the house of commons. Furthermore, a doubt is cast upon the trustworthiness of the anonymous journal for this day, since the Speaker's claims, as the writer records them, contain a petition, 'That your Majesty will give us your Royal Assent to the things that are agreed upon'.² The queen's assent could not be sought in advance to the business of the session, and it is not surprising that the lord keeper's reply omits any reference to it.³ Curiously enough, one, but one only, of the several manuscript copies of the anonymous journal extant in the British Museum gives a variant text. In place of the clause defining the Commons' privilege as one of *Aye* or *No*, it has 'your priuiledge is for such speech as shall be used with Iudgement and sobrietye'; whilst in a marginal summary, which is one of a series peculiar to this copy, it reads, 'Lower houses liberty in priuiledge of free speaking is

¹ D'Ewes' *Journals*, p. 460.

² *Ibid.*

³ *Ibid.* D'Ewes notes this inaccuracy. He also states that the petition for freedom from arrests was omitted, but this, possibly, was merged by the compiler of the journal into the first petition, which reads in the manuscript journals, 'that liberty of speech and the auncient priuiledge of parliament may be graunted unto your subjects'.

alleged by the Lord Keeper to consist only in the Lords.'⁴ This version, however, is unsupported, and as for the marginal entry, the transcript is a poor one, and similar errors elsewhere make it likely enough that the word 'Lords' is simply a misreading of 'I or no'.⁵

The question is not of importance, for another manuscript in the British Museum contains a fuller version of the lord keeper's three speeches which has not hitherto been noticed.⁶ It is printed below, excepting that the concluding paragraph only of the short, second speech is included. The manuscript is in a contemporary hand, and its trustworthiness is attested by its affinity to the account printed in D'Ewes' *Journals*. The chief interest attaches to its version of the reply to the petition for freedom of speech. The compiler of the anonymous journal, in epitomizing this portion of the speech, distorted the true sense whilst retaining its notable words.⁷ Attention may be drawn to two other passages in the manuscript. One occurs early in the first speech and shows clearly that the queen claimed the rare calling of parliament as evidence of consideration for her people; the other, in the extract from the second speech, is a noteworthy declaration of the Speaker's duties.

J. E. NEALE.

I

A speech used by the Lord Keeper in the beginning of the parliament of 35 Reginae Elizabethae shewing the causes of calling the parlement.

My Lords all, and yow the knightes and burgesses of the comminaltie, It hath pleased the Queenes most excellent maiestie to charge me (of my self a most unworthie interpreter of so highe and wise a prince, but yet susteyned with the hope of her maiesties pardone, and assurance of your Lordships pacience, readie and obedient to take this heauie burden upon me) and to commaunde me to make yow all knowe, the only and proper causes of calling and gathering of this noble and great assemblie, not

⁴ Harleian MS. 1888, fo. 17. D'Ewes used this manuscript, or one, at least, with its marginal entries and occasional differences of reading. On this occasion, apparently, he deliberately abandoned its reading for that of one of the other copies that he had by him.

⁵ D'Ewes recast this marginal entry for his (manuscript) journal, and his summary reads 'I or Noe' and not 'Lords': Harl. MS. 75, fo. 7.

⁶ It is found in the Harl. MS. 6265, fo. 111-14. There is nothing remarkable in a manuscript of the old collections in the British Museum, which are not yet adequately catalogued, being unknown: especially is this so, when, as is here the case, the text in question is found in the middle of a volume of miscellaneous papers.

⁷ Possibly he did not hear the speech distinctly. Both he and Townshend remark upon the great thrusting and disorder there was when the Commons were admitted to the bar in the parliament chamber, and the difficulty, also, of hearing what was said. Townshend states that 'he could not heere there [?] three] wordes together' on 27 October 1597 in the parliament chamber. Cf. Hargrave MS. 324, fo. 66 and 66 b; and Stowe MS. 362 (Townshend's *Journal* for 1597/8), fo. 2, 6, and 19 b.

doubting, but that as her maiesties self according to her place next under god, carrieth a continuall uigilancie and supream care, as well for the glorie of God and the preseruacion of her Realmes, as also for ye uniuersall and particuler good of all and euerye her good subiectes : So each one of yow also doth for his owne parte retayne some dutifull porcion both of reciproke studie for the preseruacion of her maiesties sacred person, and of mutuall circumspeccion both for the defence of your selues, and of that which yow possesse, and also for the continuance therof in your children and posteritie :

And albeyt her maiestie hath euermore been most loth to call for the assemblie of her people in parlement and hath done the same but rarely, and only upon most iust, weightie and great occasions tending directlie to the honour of Almighty god, the mayntenance of christian Religion, and the needfull defence therof, against the malicious and potent enemies of the same, so as she hath not eyther yearly as (for 17 years together) some of her progenitors, or otherwise not frequently as all or the most of them haue done summoned the states of the lande, though (upon turninge the uolumes of the lawes and histories) it will easely appear, that the causes occurring in the Raygne of her maiestie, haue been both more generall and of more importance then those of former tymes, wherof a great manye are but particuler and not of the greatest moment : Yet her most excellent maiestie would haue yow all to knowe that as of her owne disposicion she would yet still forbear as she hath done to drawe yow often together : So neuertheless consideringe the most weightie and urgent causes of this presente tyme together with the great dangers threatned against her maiestie and her Realmes, which do not only continewe, but are since the last parlement in all apparance mightely growen, and fearfully increased, her maiestie hath founde it necessarie that yow should both understand of the same and also consider of tyme and fitt remedye for the preuencion and withstanding of them, the which also her maiestie trusteth that yow will verye carefully performe, considering that although her maiesties good subiectes in tymes of her former parlamentes haue of themselues, and without any special intimation from her highnes both seene and considered the great dangers of the Realme growing by mightie forreyne enemies, and haue also willingly consented to some meanes of withstanding them for the tyme, yet the same haue ben farre unable to clear the Realme of those dangers, without other continuall supplie of her maiesties extraordinarye, and most excessiue expenses tending in parte to the diminucion of the uerye demeanse of her Crowne.

Now albeit her maiestie supposeth that euerie of yow her good subiectes doe in that proper care and insight of your owne cleerly discern some generall uewe of the most wicked practises of these colleagues and most hatfull enemies both of god, and of her sacred maiestie, and of the common wellfare of yow all, yet forasmuch as many particularities therof, are both newe and secrett, and therby also the more imminent and dangerous, her maiestie is willing that you understand, what mischeuous complottes and practises haue been since the last parlement, sett on foote againste her maiesties royall persone, her realmes and dominions, both abroad

amongst her good neighbors and federates on euery side, and at home within the bellye and bowells of her owne kingdome and Contrie, To the end that therby yow maye the rather see the extreame danger that is intended against the sacred person and deare lief of her royall maiestie and the common good of all the Realme, wherin also are comprehended the particuler honors, preheminencies, lyuelodes and liues both of your selues and of all your succession and posteritie, and seing the same, yow maye be moued in your zeale to the glorie of god, your bounden loyaltie to her most gracious maiestie, and in your loue to your naturall mother and Contrie, to bend all your wittes, and to bestowe your uttermost powers for the preuenteinge or propelling of the same.

The enimie seeing that (by the meanes of that most iust and necessary helpe and resistance which her maiestie interposed in the lowe Contreyes) his purpose to assaile her on that parte was wholly impeached, and fynding also that his intended inuasion of her maiestie by Sea with that huge flete of all his Armadoes (which to keepe other men from our succour he published before hand, and called Inuincible) was (thanked be god) utterly made frustrate in the sight of the whole world, to the great honor of her maiestie, and his Shame, he was so farre from seinge the hand of god that strake him, and from desisting in his inueterate course of Malyce and cruell hatred against her maiestie, that he was therby more furiously enraged then euer before, so as he breathed nothing but bloodie reuenge, uowynge as it hath been here confessed by a Jesuyte, that he would spend his Candle to the sockett, but he would be reuenged and haue his will of her. And to make it appeare that his word and deed concurre together he hath taken euery occasion and aduantage to weaken her maiestie and strengthen him self by the neighbors on euery syde of her : In fraunce at the first he fought with his owne money, but with other mens weapons, and at there perill, corrupting with his Indian treasure, and stirring up there, against the king, sundrie Rebellions, both subiectes and townes, and not preuayling with such speed as he desired, he hath of late tyme made the warre more open, sending thither sundrye mightie Armies both by foote and horse, as namely into the bodye of that Realm twyce under the conduct of the deceased duke of parma, and once by a nephew of the pope himself, who before he was incited therto, was contented to fight with Bulls and boltes onely ; Into Prouince and Dalphyn by the duke of sauoye. Into Burgandye and Champaine by the leadinge of the duke of Lorraine, and nowe uery lately by the waye of Nauarre, wherof he hath alreadye sworne his owne sonne to be prince. So that partlie by the terror of these sundrie forces, partlie by the helpe of the french Rebels waged by his money, and the assistance of sundrie principall townes and cities, which if they were not corrupted by his golde, would neuer haue shutt their gates, against their naturall Kinge, and partlie by color of an Assemblie of estates, (wher shalbe neyther prince of the bloode nor great officer of the estate) he attempteth eether to beare the Rule himself or to procure it to such as he maye ouerrule, and consequentlye to commaunde all that late most flourishing kingdome, and by conquest to adioyne it to Portugall and his Indies for the better creating of that Catholike and wretched Monarchie, [to] which he hath so long aspired. A thing greatlie

to be doubted if god in fauour of the french king, and in regard of the Iustice of his cause do not uouchsaffe readye meanes of impeachment : In Brytanie (a contrie of more dangerous facilitie for the inuasion of England, then had been the Lowe Contreys, if he had preuayled there) he already possesseth a great parte of ye contrie, and commaundeth the cheif partes therin, making herof a double use and profytte : one the more speedely to inuade Fraunce, another to become Lorde of the Seas there, and both purposely intended for the more easye inuasion of England, as it may easely appeare by that which followeth. For whilest he is occupied there, and in fraunce, he is not idle to prouyde neerer helpes for the inuasion of us both by Sea and lande, And therefore fyndinge that in the last fight by Sea, his shippes were disaduantaged by the bredth of their building, and high carriage of their portes and ordinances, he hath now lately both changed the fourme of his olde shippinge, and builte many newe after the moulde and manner of the English nauie besides the which he hath bought sundrye shippes in the east contries, and prouyded there great store of apparrell for the one and thother of them : So as it is thought that he is at this daye twyse so stronge in shippinge as he was when he shewed his greate flete in our narrow seas ; Lastly in Scotland he hath of late endeauoured by corrupcion of his monye and pensions, to make a partie there readye to receaue an armye, for ouerrulinge the kinge in his owne Contrie, and for inuadinge England on the backsyde by Lande, on the North, and at the self same tyme (of this next springe that he shalbe readye) to assayle it on the face with his shippes by sea on the South. The which last practise was so greedely embraced by some Nobles of Scotland, that they not onely entertayned it under their handes and seales, but also dispatched somme messengers that were readie to imbarke towards Spaine to aduertise ther forwardnes, with further promise of assistance both there and from hence, which also they would before this tyme haue effected indeed had not her maiestie (who 12 moneths since had intelligence therof) by good instrumentes discouered the whole to the King of Scottes, who as he would not of a longe tyme beleue yt, so it maye yet be doubted how he shalbe able to withstand or suppress the same (But not uerye earnestly is gone about it) and her maiestie for that end hath uerye lately sent thither a nobleman with aduise how to proceed to frustrate all the purpose and intent of that plott and conspiracie. Such nestes of noysome birdes are ther in making of euery syde of us, of the which her maiestie (of her great wisdome) thinketh some to be too neare fellowshipp to be abidden in regard of their little good meaninge, and of their greate and too too hatefull treacherye. But yet ther be others much nearer, and so much the more dangerous as they lurke intus et in cute, for besides all former and notorious attemptes against the precious liffe of her Royall maiestie, ther hath beene, not 2 moneths paste, discouered and confessed by a subiect of her owne, a most diuelish and bloodie intention, both for the assaying of her most noble and deare person (whome god graunt to liue ouer all our daies) and also for the corrupting and impoysoninge the hartes of her subiectes with persuasion (under a colour of conscience forsooth) that her maiestie, neyther is, nor can be ther lawfull Queene, but standeth accursed and throwen out of

the fayth and therby depriued of all the loyaltie and due obedience of her naturall subiectes : Yea such is the wylie malice of the enemye, that the better to espie a hole or breach to make this speedy intended Inuasion of her maiestie and her Realmes, he hath at this present lodged in our bosomes his secret Intelligences expresslie charged with direccions to aduertise him from tyme to tyme, not onlie of the estate in bodie of her maiestie and her greatest Counsellors, but also of the discontentment of the papistes, of the proceedinges of the puritanes, of all the offences (if any should happen) of the nobilitie, and grieuances of the people, and of manye other his like seruiceable Articles of treacherous Inquisition : These thinges if yow well ponder, with an earnest cogitacion, both of the longe continewance and chargeable mayntenance of these present warres, yow shall finde much more cause to maruell how the moste parte of these fyue Contries, could be so defended with the onely reuenues of this little Iland, then not to be readye to support with your owne, the continewance of your owne, and without any further staye, to frame and offer (as at sometymes it hath been seene) some deuse and meane by which her maiestie maye either tymely preuent, or sufficiently withstand these instant and extreame perills wherwith her Realmes be threatned. For albeyt her maiestie hath not onely spent all that was yeilded in the last parlement, emptied the treasure of her owne Crowne, but hath moreouer made sale of some parte of her demesne, and ended her self by the loanes of her best able and moste readie subiectes. Yet her maiestie sayth, ther was neuer prince more loth to haue ought at the handes of her subiectes, then she is, as being in deed euer more ready to giue, then willinge to take, yea and in this respect it offendeth the most noble hart of her maiestie, more then yow would suppose, in that euen these helpes which parlement yow seeme to bring to the ayde of her maiesties charge, be not (a good quantitie therof) trulie performed, to the great disceyt of her maiestie, and to your owne new labor and trouble : For howsoeuer it seeme a great helpe in wordes, it proueth but little in deedes, promised with full mouth, and payed with more then half emptie handes, A thing not tollerable amongst neighbors and equalls, iudge yow then what it is in so great difference of persons, and in so manifest and common perill of all ye Realme. And this abuse falleth out most commonlie in the ualuacions of them that be of the better sorte who (to ease themselues) are seene to throwe the burden upon inferior subiectes, whose small rates cannot rayse any great Total, In which doinge as they oppresse their neighbors by abuse of their authoritie : So do they also both frustrate the meaning of ye Graunte and defraude their natiue Contrey of that helpe wherof it standeth in most notorious and present need ; And here (that with her maiesties pardon I maye saie thus much of myne) yow maye admire the highe wisdome and pollicie of her maiestie in the conductinge of these warres, as well by prouidinge that others should fight for us, to auoyde the uttermost of the perill : also by adioyning her forces to others for the sparinge of infinite treasure and effusion of bloude, that must needes haue been spent, if the cause had bene undertaken by her alone ;

Her maiestie hath furthermore charged me to notifie unto yow all,

that her royall intencion in callinge of the states at this tyme, is onely to conferre upon speedie and effectuall remedies againste these great and fearse dangers, and not to spend the tyme in deuising of new lawes and statutes, wherof there is already so great store, both for the ecclesiasticall and ciuile government that (if the tyme would so permitt) it were more conuenient by abridgment and explanacion to make them lesse difficill for the practise of them, then by addicion of newe, to increase the danger of the quiet subiect, and to enrich the contencion, which also is her maiesties full purpose to performe, whensoever agreeable tyme shall be graunted for yt; In the meane season, howsoever in former parlamentes your houses haue been filled with uayne discourses and tedious oracions, that sauour more of ostentacion, then that they auayle to the marke wherat they ought to shoote, her maiestie now deemeth that the better and more speedie waye to use lesse uerbose and fitter choice of good matter, and withall chargeth each one of yow, that yow mispend not your good howres, vpon new and curious inuencions, the which haue they neuer so glorious a shew in the firste openinge, yet be they but werisomm in the handlinge, and deceauable in the wynding up, for both the aproching tyme of the spring, your owne particuler functions, and the watchfullnes of the enemye, (who sleepeth not but lyeth in awayte for us) do require your speedie returne to your generall dwellinges, where eache man in his calling ought to make prouision against the enemye, and be readie that at all occasions we maye be able to answeare his malice.

And thus with most humble suite to her gracious maiestie for pardone, in case where I haue misconceiued her princely meaninge (which I would not) or haue deliuered her moste princelye charge (which to doe I cannot, though I would), I close my speach and ease yow.

II

The Lord Keepers answeare to the speaker disabling himself, inhablinge the speaker.⁸

. . . And therefore Mr Speaker thus enlightened with the gracious countenance of her princely ratificacion, her highnes willeth yow to undertake the charge, and therin, carefully to put in ure [i. e. use] the Authoritie giuen by her maiestie, and belonging to your place, which resteth not only in the gouernment and direccion of all the consultations of your house, to that only marke for which the present assemblie of the States is called hither (as it was the laste daye tolde yow) but also to cut of all uayne, curious and impertinent Bills motions and debates, that maye either spend the tyme unprofitable, or impeache the right proceeding in that course which is appointed.

III

The Lord Keepers answeare to the speakers oracion after his allowance.

In the second parte of your speach yow haue trulie and lernedlye discoursed of ye inueterate malice of her maiesties capitall enemye the

⁸ The earlier part of this speech is unimportant, and is little fuller than the corresponding account in D'Ewes' *Journals*, p. 459.

pope, and the lawfull courses that her highnes hath from tyme to tyme taken for the incounter of his unlawfull and wicked attemptes: And touchinge that which you haue most trulie declared for the praise of her maiestie, albeit I finde that her maiestie hath no delight to heare her owne praises, blazed before her face, yet I trust that with her maiesties pardone and without note of flatterye both yow and I maye speake that which both the truth of the thinges and ye dutie of our hartes do drawe out of our mouthe, and without which we cannot but shew our selues both unthankfull and unworthie also: And trulie whylest yow did sett forth the blessed fruite of her maiesties raigne, yow seemed to me to be the mouth and speaker not onlie of your owne present assemblie but generally of so many as doe liue under the shadowe of her high and noble palm, the benefites being in deed so many and manifold, so great and surmounting, as neither former tyme cann afforde us example, nor future age will yeild us hope of any the like or comparable with them: In which behalf as we are farre unable to commend in wordes the dignitie and honour therof, so yet remaine we most bounden to haue them in daylie recordacion with continuall praises to god for her maiestie, and with incessant thankes to him and her for our selues, labouring to supplie our want of speach with the loyaltie and loue of our hartes, allwayes readie and deuoted to serue her to the uttermoste of our worthe and last gaspe of our breth. And touchinge these good blessinges yow haue mencioned her maiestie, That whatsoeuer blessinges, good fortunes, uictories or prosperous euentes haue happened in her maiesties raigne, she attributeth all to the omnipotent and miraculous goodnes of our mercifull god, And so much the more with humblest thankes to be acknowledged, as that he enableth the weakest sex, and maketh them to admyre it, that ere now were wonte to doubt their successe, And for that Ingratitude of all Synnes is most odious to the highest, and most abhorred of the meanest, lest through neglect of a dew, yow cause him to straighten his fauour and blessinges, She chargeth yow all neuer to cease to praise his name therefore: And for her parte she beseecheth the liuing god neuer to blesse her longer, then she studie with all indeauour to do that maye best please him, and most prosper and preserue yow. And though (she sayth) yow may haue a wiser prince (for I must use her owne wordes) she dare auowe, yow shall neuer haue one more carefull of your saffeties, nor to giue more euen stroake amonge her subiectes, without regarde of person more then matter, And of such minde she beseecheth god, euer send your prince.

And now to your other parte, The most odious and shamelesse treacheries of that man of Rome, do so manifestly bewraye themselues, and haue been so fully sett forth by yow, as her maiestie thinkes it needlesse to spend further tyme in the amplificacion of them, and her maiesties pleasure is, I shall purposely forbear that. So her highnes doubteth not but that your self did moderate your speach in the next pointe, where yow propugned the absolute regalitie of her maiestie and her predecessors against the continewal claymes of the popes and there churchmen here by whome (as by waged soldiers) they for a long tyme kept a forte in England against the lawfull kinge, until her maiesties most famous father, defeated them, rased the place and triumphing ouer the pope ther master, recontinued

the Auncient rightes of the Crowne and recouered his mere monarchie ouer his people and Contries ; for besides that which you fitlie alledged it is founde in Histories that Edward I refused to be iudged by the pope in the great question touching his right to Scotland, And his nobles did in playne tearmes write to the pope, that if ther kinge himself would, yet would not they suffer him so to doe. The ordinances made at Clarendon by Henry 2. and his nobles did expressly commaund that the clergie should be subiect to the secular and laye Iudgment, And the same king sollicited frederick themperour, the Archbishop of Coleyn, and others to combyne with him and to shake of the popish yoke, that laye so heaue on ther shoulders. Nether would King Henry yeild to the pope, the right of lay men in the inuestiture of Clerkes, which he demanded with uehement threateninge : Finally if the bookes of the Auncient Lawes be sought and turned, a man shall euerye where finde, that Ina, Alfred, Edward, Athelstan and Canute, auncient kinges of this lande, ordained lawes, as her maiestie hath done, both for ecclesiasticall men and matters, as namely to binde Byshops and priestes to the obseruacion of good liffe and honest manners, to giue order touching uowes, for the use of Baptisme, for receauing the sacrament of the Lordes supper and sundrie other pointes of relligion, which without the abuse of the present and shorte tyme I may not stand to repeate, and will therfore discend to your last parte. Wherein I noted 3 petitions for your companie and a fourth for your self ; Her gracious maiestie is well pleased to graunte them so farre as they be grantable, She sayeth there be 2 things in a man most behoofefull, if they be well used, and most deadly if they be ill used ; witt, and tongue, they are those : they⁹ be most happie possessions and needfull helpes, and all as they be placed. Hauing therfore especial care that that maye neuer hurte yow which she by her graunte doth yeild yow, she willes yow take good heed in what sorte she permittes it, She would be sorrye that follie past, should by newe redouble the faltes, and chargeth yow Mr Speaker if any shall deliuer to yow any bill that passeth the Reach of a subiectes brayne to mencion that same yow receaue not, but with purpose to shew it where it best becommeth yow : Next if any speech undecent or matter unfytt for that place be used remember them of this lesson : Your petitions (I must use a Checker terme) must be ruled, and that thus, her maiestie graunteth yow liberall but not licentious speech, libertie therfore but with dew limitacion. For euen as ther can be no good consultacion where all freedom of aduice is barred, So will there be no good conclusion, where euerye mann maye speake what he listeth without fitt obseruacion of persones, matters, tymes, places, and other needfull Circumstances : It shalbe meete therfore that each man of yow conteyne his speach within the boundes of loyaltie and good discrecion, being assured, that as the contrary is punishable in all men, so most of all in them, that take upon them to be Counsellors and procurators of the common welth. For libertie of speech her maiestie commaundeth me to tell yow, that to saye yea or no to Bills, god forbid that any man should be restrained or afrayde to answear accordinge to his best likinge, with some shorte declaracion of his reason therin, and therin to haue a free uoyce, which is the uerye trew libertie of the house, Not as some suppose

to speake there of All causes as him listeth, and to frame a forme of Relligion, or a state of gouernment as to their idle braynes shall seeme meetest, She sayth no king fitt for his state will suffer such absurdities And though she hopeth no man here longeth so much for his ruyne, as that he mindeth to make such a perill to his owne saffetye, yet that yow maye better followe what she wisheth, she makes of her goodnes, yow the partakers of her entent and meaninge; Accesse to her maiesties most sacred presence, her highnes ys likewise pleased to vouchsafe, So that the same be desired onlye in matters of the greatest exigencie and weight, and with due respect of tymes, that her maiesties more important cogitations be not interpellled therby. Nether is the mynde of her gracious maiestie to denie yow those other good priuiledges of the Court of parlement, which the Commons of the Realme hertofore haue usually enioyed, howbeit with this cawtion, that the proteccion of your house be not worne by any man for a cloake to defraude others of their debtes and duties. And now Mr Speaker, that I maye end as I began with your self, her maiestie trusteth that yow will not committe any thinge for which her highnes should need to graunt yow such a pardon as yow requier, and [in] myne owne opinion, your whole carriage of life hath been such hitherto, that I maye saie unto yow Noueris intactum uitio seruare uigorem.

And thus I close my speach, with most humble suite to her sacred maiestie for pardon in case I haue either mistaken her princely pleasure, which I would not, or haue not sufficiently interpreted her royall charge and direccion which howsoever I would I am not able to performe in so pithie sorte as I receaued it from the mouth of her most highe and princely wisdom.

The Letter-book of a Quaker Merchant, 1756-8

AMONG the books presented to the University Library, Cambridge, by the friends of the late librarian, Henry Bradshaw, is the letter-book of a Quaker merchant in the eventful years 1756-8. It is a large folio volume of 467 pages, the first letter being dated 2nd Mo: 11th, 1756, and the last 10th Mo: 4th, 1758. As all the letters included are copies of those written by the merchant, no signature is given, but from chance references on pp. 161, 232, 252, 389 it can be gathered that his name was Robert Plumsted of Gracechurch Street; among his correspondents is his cousin William Plumsted of Philadelphia, and he mentions an uncle and cousin named Barclay and a cousin Robert Wilson. He may well have been connected with a Clement Plumsted of London, to whom reference is made in the *First Publishers of Truth* (Friends' Historical Society, 1907, p. 205 n.), and with a Thomas Plumsted whose name is mentioned as a contributor to the relief of an eccentric Quaker minister disapproved

by the Society.¹ Plumstead as a place-name occurs in the map of the Philadelphia Yearly Meeting given in Bowden's *History of Friends in America*. The uncle Barclay may possibly have been David Barclay of Walthamstow, who was the head of a house in Cheapside extensively engaged in the American trade.²

The historical interest of the volume lies in the details given as to the difficulties besetting a merchant in the early period of the Seven Years' war—the activity of French privateers, the vexatious delays due to waiting for convoy, the heavy insurance rates, and the like. There were other special difficulties which faced Quakers both in England and America: were Quaker merchants to ship arms and ammunition to America, and could Pennsylvania Quakers continue to sit in the Assembly once the colony was at war? Finally, Robert Plumsted suffered from some correspondents in America, who, in spite of letters which could hardly be surpassed for plain-speaking, obstinately refused to send remittances.

Plumsted's business lay chiefly with the American colonies on the mainland (especially Pennsylvania, Maryland, and New York), and also with the West Indies, particularly Antigua. We hear much of the importation of iron from Maryland to Gainsborough, and valuable details are given as to prices. West Indian sugar and logwood from Honduras are also often mentioned. References to exports are naturally more numerous. Chief of these were iron goods, such as nails, tools, farming implements, and cooking utensils. It was no easy matter to send out implements strong enough to stand rough usage in the plantations:

I have put in hand the hoes bills and axes order'd for Gidney Clark etc., the two latter will be steel'd with the same steel I send to New England to steel their axes with, and the former I hope may be as good as hands can make them, but I hardly think it possible to make hoes in any quantity that every one will stand the unfair strains and wrenches backwards, when struck into the earth that your negroe's give them (p. 306).

The list of miscellaneous articles exported is lengthy, including blankets, broadcloths, shalloon, plush, calico, and negro clothing; silk handkerchiefs, sewing silk, thimbles, shoe-thread, and hatpins; garden seeds, lanterns, cheese, sashlines, pepper-mills, and pewter. Once Plumsted was puzzled by an order for one dozen very small children's box-irons, and wrote: 'I could not conceive them to be any other than toy box irons.' Once he had to get a gold watch made, and once he had to choose ear-rings and a pair of spectacles for his colonial cousins.

¹ *Friends' Historical Society Journal*, i. 26.

² *Friends' Biographical Catalogue*, p. 48.

The first letter in the book was written under the shadow of approaching war (11 February 1756).

As I could not foresee what turn affairs might take as to peace or war, I thought it best when packing your goods to divide them as near as I could into two equall parcells. And as the French have taken one further step towards a war, by seizing all English vessells in their ports I think we cannot be long without an open declaration. We are threatned wth an invasion, and are now actually sending ships over to Holland to fetch severall thousand Hessian troops to our protection. . . . Insurance is at 8 guin^s and difficult to get done, the publick offices ask ten. I expect it soon to be at warprice (p. 25).

On 6 March Plumsted writes :

All busynesse with us is suddenly swept by an embargoe,—and the few hands that where [*sic*] left, mostly swept away in one nights press. Forty days is the time mention'd for its continuance (p. 34).

Under the date 21 May we read :

On the 18th instant war was declar'd here against France, they have laid siege to Port Mahon and fear may have taken it. This oblig'd the government to declare—which I am sorry for, being in great hopes an accomodation [*sic*] would have been brought (p. 25).

Throughout the letter-book are many references to the progress of the war : we read of Admiral Byng's failure, trial, and execution, and of the changes in the ministry (December 1756) which brought Pitt to office.

Wee have an intire change in the ministry, publick affairs are put into new hands and great reformatiōs upon the carpet. Wee hope for more promising events then last year—which have been verry unfavourable (p. 161).

But in a few months the attempt at a national ministry had failed :

Pitt is out of the administration and our ministry much unsettled, the duke is gone to Hanover, the French having marched an army within a few miles of that electorate. It is said that the Prusians have gain'd a verry considerable advantage over the Austrians upon the first opening of this year's campaign. Wee have had no sea engagements lately. All Europe seems in a ferment and wⁿ the sword will be sheath'd is only known to him who permits such a heavy scourge to fall upon the nations ; to humain view things look very gloomy, and how soon our temporal affairs may be involv'd in the general confusion we know not. Certain it is, that wee are in a very precarious situation and those who have the least concerns in trade seem the most secure (p. 229).

The Prussian successes in 1757 are recorded with the comment : its not improbable but the king of Prussia may pay the haughty empress a visit at the gates of Vienna—this is a verry favourable event to the protestant cause.

Later in the year, however, Plumsted writes :

I can send thee no publick news that is agreeable [*sic*]. Both our fleets and our armys have been verry unsuccessfull and our enemy's are suffer'd to prevail against us. Better times and better manners will be a happy event for poor England (p. 306).

Only towards the end of the period covered by the correspondence is there any allusion to a decided success for the British arms. Under date 19 August 1758 we read :

Cape Breton is taken and about twelve sail of French men a war destroy'd wth but little loss on our side.

During these years of war the position of a merchant was extremely difficult. Vessels might be stranded through the seizure of their crews by press-gangs, and efforts to obtain protections were often fruitless. More serious still was the risk of capture by French privateers both in home waters and off the West Indies. Again and again we find passages such as the following :

Wee now look for Nelm's arrival every day, being in great hopes you may have escap'd the Martinico privateers. A great number of ships have lately fell into the enemy's hands. Upon a moderate computation to the value of near two hundred thousand pounds (p. 185).

The only way to avoid capture was to seek the protection of a convoy, but this entailed vexatious delays, as there was no regularity of sailing, and ships might be separated from their convoy, as in the case of the Jamaica fleet in 1757, which was caught in a violent storm. However, Plumsted candidly acknowledges that ' great care is taken to protect our trade ', and writes with satisfaction of the safe arrival of the Leeward Island fleet in the summer of 1757 :

The Leward Island fleet came verry unexpectedly, tho verry agreeably upon us and by the great care of the men a war, I think all the ships got safe in to their different ports. I wish the next may have as good success (p. 270).

The frequent capture of ships naturally entailed the loss of business letters and bills of exchange: the only precaution possible was for merchants to send duplicates, the packets being, in Plumsted's opinion, the safest ships.

Once war was declared, Robert Plumsted, as a member of the Society of Friends, found himself in perplexity with respect to the shipping of arms and ammunition to America. For one thing, the export of arms without a licence was prohibited, and such licence was expensive to procure. More than this, he had conscientious scruples against accepting ' any gain or advantage

from articles purposed for the destruction of mankind'. In one passage we read that he 'ventur'd the dozen of sword blades in the cask and got Captain Warton to take the gun in his cabbinn', but later on he tells a correspondent that he cannot undertake such business :

You know, wee as a people, are in principle against everything that tends to war and bloodshed, and consistent with this belief can neither be active therein or pertake of the profit arising from the sale of goods the use whereof is for destructive purposes. This lays me under a difficulty, which there seems but one expedient for. The demand for these things are but temporary they cease in time of peace and now are but a verry small part of your busyness, would it be any great inconvenience to you to let them drop. It would ease me from a scruple that at present I cannot divest myself of, tho at the same time am far from judging those who do not profess with us, for acting as they may find freedom, and here I must leave it to your Christian consideration (p. 241).

Plumsted recognizes, however, that his scruples should not be imposed on others of a different way of thinking, and on one occasion he sent out some arms under the charge of Captain Adams, charging no profit or commission on them.

His fellow Quakers in Pennsylvania had an even more difficult problem to face in the opening period of the Seven Years' war. When the Indians were set loose on the frontiers in 1755, the Philadelphia Quarterly Meeting wrote to the London Meeting for Sufferings, stating that many of their members had declined executive, and some legislative, positions. English Friends used their influence to secure the withdrawal of Friends from the Pennsylvania Assembly, and a delegation from the London Yearly Meeting was sent over to urge this course of action. Thus in 1756 the Quaker régime in Pennsylvania came to an end. In time of war it was impossible for Quakers to retain political authority without surrendering their distinctive principles.³ Robert Plumsted was strongly of opinion that Pennsylvania Friends should hold aloof from political life during the war :

But of this I am pretty certain that those who are really Quakers, will be very glad to withdraw from the present scene of action. and notwithstanding the calumny that is so plentifully thrown at this time upon them, the Society as a Society are not culpable for one half the malicious invectives that are propogated [*sic*], and you will find it is a departure from our principles that is the cause of inconsistent conduct.

He urged his Pennsylvania friends to strive to secure a majority of church of England men in the Assembly ; his desire was

³ The attitude of the Pennsylvania Quakers is fully discussed by Rufus Wilson, *The Quakers in the American Colonies*; see also Bowden, *History of Friends in America*, vol. ii, and A. C. Applegarth, *The Quakers in Pennsylvania* (Johns Hopkins University Studies in History and Political Science, Series x).

that Friends should be consistent, but should not restrain others from doing what they might apprehend to be their duty.

A further point of interest in the letter-book is the information it furnishes on mercantile methods. Plumsted set great store by accuracy and punctuality in business transactions. He writes :

I may venture to say everything goes from my warehouse in neat good order. I wish it was in my power to have goods get to hand in the same manner (p. 38).

At the same time he is driven to admit that 'its impossible to prevent little errors and tho I am critically exact in general, yet I never pretended to be infallable [*sic*]'. He set his face strongly, though without much success, against the 'pernicious practice of giving such long credit', urging that 'it will never answer in a large trade and small capital'. More than once he writes that he does not want to increase his business, unless with houses that are unexceptionable in the matter of punctual payment. Unfortunately, however, he was brought into business relations with men whose views were very different from his own. To such persons he wrote in terms of strong reproach, brushing away excuses with a relentless hand, and showing an honest man's scorn for a shuffler. One American defaulter, Samuel Burge, is thus addressed :

I have thine of 25th 10 mo: and continue to admire at the excuses thou makes. I expected the rum would be pleaded, though to my certain knowledge not one farthing of the proceeds was directed to be paid to me, and as to Braddocks defeat—if thou hadst done as thou ought, I should have been paid many years before he came into the country. Thy invention no doubt will furnish thee with materials for another letter when thou art ashamed of being silent any longer and as thou know how to improve calamitys to thy own advantage, thy next if thou please may turn upon provincial affairs. As to remittances perhaps thou may think that quite out of the question however for form sake I inclose thy account current ballance still due £74 6s. 5d., to be out of temper with thee is not worth while and realy while I am writing it makes me smile to think what a very extraordinary person thou art, such a character as I have seldom met with and thou may imagine what in future I hope to escape. However perhaps an honest fit may take thee sometime and if it should pray remember thy old friend (p. 48).

Another defaulter, John Dies of Albany, receives a merited castigation in the following terms :

I have a letter from thy wife dated 19th 9 mo: per Capt. Richards importing thy incapacity of complying with my demand, arising from thy being called up to Albany by Lord Loudon and also from a disappointment in the sale of some lands. The first may be true. But as to the

latter, thou has deceiv'd both me and my attourney so often, that wee can give verry little credit to anything thou says. If thou hast either honour or honesty, my forbearance with thee should produce some better effects. I am ashamed of thy shuffling tricks, they render thee very contemptable and are a most ungratefull return for my long patience. As to the flax seed affair whatever I may do in it, is more then thou deserves. Remit me my ballance like an honest man and dont imploy thy wife to make any more excuses to me. I dont doubt thy ability to pay me and if thou will not do it, after so many years intreaty, dont blame me, for the consequences that may follow.

I am

Thy Friend (p. 174).

Worst of all was a certain Daniel Curry of Philadelphia, who gave Robert Plumsted endless trouble by his evasions of payment and shameless requests for business favours. Writing to William Plumsted, Robert says :

I must now say something upon my own affairs and shall begin first with that deceitful man Dan^l Curry who notwithstanding his promises to thee has not wrote me a line. . . . I appeal to thy own understanding whether this behaviour is becoming any man professing Christian principles, thou knows better and therefore pray dont let me lye at the mercy of such a graceless fellow any longer. I am astonished at his assurance to amuse thee about having a ballance in my hands shortly : compel him to pay me and I never desire to se his name in my books more (p. 451).

Curry had advanced the plea of illness as an excuse for non-payment, but Plumsted sternly replied :

I am concern'd for thy illness, but as thou ought to have made me satisfaction long before it came upon thee, thou canst plead no just excuse upon that account, and to go out of the world without doing me justice, I think thou can never reconcile upon Christian principles (p. 389).

In the last letter but one addressed to Curry, Plumsted's indignation finds full vent, and he writes : ' I would not have stain'd my reputation as thou hast done for all I possess ' (p. 454).

There are many other noteworthy points in the letters, such as the scarcity of wheat and the desirability of importing it from America ; the temporary stopping of the distilleries and the consequent fall in the price of wheat and barley ; the delay in receiving consignments of nails because ' our nailors are so much out in harvest time '. But the chief interest of the letters lies in the writer himself and in the nature of the problems he had to face.

C. A. J. SKEEL.

Reviews of Books

A History of Persia. By Lieutenant-Colonel P. M. SYKES, C.M.G., C.I.E.
(London : Macmillan, 1915.)

A CENTURY has elapsed since Sir John Malcolm published his *History of Persia*, after his return from his third embassy to that country. Much excellent work has been done since 1815 in the investigation of almost every period of Persian history, and Malcolm's fellow countrymen have made some of the most valuable contributions in this field of research, e.g. (to mention books of recent date only) Dr. L. M. King's *Sumer and Akkad*, and Mr. Guy Le Strange's *Lands of the Eastern Caliphate*, and the series of scholarly works in which Professor E. G. Browne has interpreted the genius of the Persian people and depicted the agony of their efforts for constitutional reform ; but one or two manuals only have attempted to cover the whole period, and these have been compilations of little value. Indeed an exhaustive history of Persia is at the present time an almost impossible task for any single man to attempt to accomplish ; the requisite materials in the form of preliminary studies are largely lacking ; important sources are still unedited, and for the Muhammadan period there are manuscripts at which no scholar has yet worked. But in the meanwhile there is room for such a popular summary as Sir Percy Sykes has provided, and he has achieved in it a considerable measure of success. He has brought to his task a practical knowledge of the country and its people, acquired during a residence of over twenty years, in the course of which he has travelled through almost every province in the kingdom. This adds a vividness to his descriptions of historic sites that no mere historian of the study could have attained, and numerous passages in his two volumes bear the impress of the vigorous personality of an experienced man of affairs. He sets out to give a complete history of the inhabitants of Persia from the prehistoric period down to modern times ; for each separate epoch he has made a diligent use of the authorities accessible to him, but in a work of such scope—comprising the civilization of Elam, the kingdoms of Assyria and Babylon, the coming of the Aryans into the country, and the various dynasties of the true Iranian people, their splendid achievements under native rule and their vicissitudes under a long series of conquerors, Parthians, Arabs, Mongols, and Turks down to the opening of the National Assembly in 1906—it is not to be wondered at that Sir Percy Sykes has neglected some materials of the first importance. He appears not to have used the *Grundriss der Iranischen Philologie*, that rich storehouse of information on every period and aspect of Persian history ; the study of it would at least have enabled him to

avoid several rash etymologies. No student of the early Muhammadan period can now afford to ignore the prince of Teano's monumental *Annali dell' Islam*, for which the works of Dr. Margoliouth and Sir W. Muir are poor substitutes. In the portions of his book for which materials are ample, as for example those covered by the publications of the De Morgan expedition and by Mr. Browne's *Literary History of Persia*, Sir Percy Sykes's narrative is full and accurate, but when he comes to periods still awaiting scholarly investigation, such as that of the Timurid princes, he has nothing new to offer. But the work is none the less a valuable summary of most of the best available histories of each separate epoch, and as the welcome it has already received in this country may soon necessitate a second edition, the author may well correct some minor errors. Shiraz and Xeres have certainly no etymological connexion with one another (vol. i, p. 7); De Goeje, despite his immense industry, never published or even projected a translation of the *Annals of Tabari*, nor did he himself edit more than a part of them (vol. i, p. 423). The word Hijra does not mean 'flight' (vol. ii, p. 14), but 'migration', and the Urdu language did not originate in the camp of the Moghul emperors of Delhi (vol. ii, p. 160), but existed as a dialect of Western Hindi long before the Moghuls came into India.

The book is provided with excellent maps, and all portions of it dealing with the geography of the country bear the stamp of that thoroughness and accuracy which won for Sir Percy Sykes the gold medal of the Royal Geographical Society; but in the choice of the illustrations we sometimes miss the scholarly care to which so many recent publications have accustomed the historical student. Where the author has given us his own photographs the result is valuable and attractive, but, in a history of Persia, Indian paintings (see vol. ii, pp. 218, 222) are out of place, when so many fine examples of the work of Persian artists are available; further, no indication is given that the pictures illustrating incidents in the life of Muhammad (see vol. ii, pp. 10, 12) have been taken from a manuscript of the beginning of the fourteenth century, nor that the manuscript itself is to be found in this country.

The work will certainly be of value to the busy administrators to whom Sir Percy Sykes dedicates it, and should be welcome to a much larger circle of readers, and stimulate interest in a country that has played so great a part in the world's history; but the scholar must still go back to the sources from which Sir Percy Sykes has derived his information, and must hope for further light on the obscure passages of its annals from the researches of future historians.

T. W. ARNOLD.

I. KULAKOVSKIY. *Istoriya Vizantii*, tom. iii (602-717). (Kiev: Kulzhenko, 1915.)

IN consequence of the rapidity with which research now advances, the lifetime of a history which at the time of its appearance is recognized as the standard work on the period is a short one; and therefore, though Professor Bury's *History of the Later Roman Empire* is only twenty-six years old, it cannot be denied that a new history of the period covered

by it is required; and in fact two competent Russian scholars are now setting themselves to supply the want, Mr. Uspenskiy, the first volume of whose history appeared in 1913, and Professor Kulakovskiy, who is giving us a longer work, of which the earlier volumes appeared in 1912 and 1913. The author tells us that he had originally intended to bring the present volume down to 867, but found the amount of material so great that he decided to end it at 717: and indeed in consequence of the numerous oriental texts, Arabic, Syriac, Armenian, and Ethiopic, which have been recently published or translated, there is no period in Byzantine history which is so much in need of new treatment as that of the Heraclian dynasty; and, when an author has to put together a mass of new evidence which has never appeared in continuous form before, more space is required than when he is going over well-trodden ground. Accordingly, though thirty years ago it would hardly have been possible to write 432 pages on this period of 115 years, the amount does not now appear excessive. In spite, however, of the new evidence which is now at the disposal of historians, there is still a great lack of contemporary authorities for the period, especially for the latter part of it, in which we have still to depend almost entirely upon Theophanes, though the publication of the Syriac Chronicle of Michael and the Arabic work of Mahbub of Hierapolis has enabled us to distinguish more clearly between the two authorities whom he used and in some cases to control his statements by the parallel narratives of the eastern writers. Professor Kulakovskiy, for instance, well points out that Theophanes' account of the expeditions against Cherson, which brought about the final fall of Justinian II, is incredible as it stands, and that the Constantinopolitan writer whom he followed had some special malice against that emperor, of which other instances are given. Here, however, we have no other account of the events, and can therefore do very little towards recovering the true story.

It is of course impossible for an historian who has set before himself so gigantic a task as Professor Kulakovskiy has done to master all the languages in which his sources are written, and therefore for the eastern authorities he is obliged to depend upon translations, and in the case of the Arabic writers it is only in part that even translations are available, and some of these seem not to have been accessible to him. It is unfortunate that he appears not to know the great work of the prince of Teano, *Annali dell' Islam*, which must for a long time be the standard work on the rise and early conquests of the Arabs; but in spite of this omission his narrative of the conquest of Syria is a great advance on any that has preceded it in a continuous history. It is, however, annoying to find the Caliph 'Abd al Malik regularly called Al Malik, for this, like all names which are preceded by 'Abd, is a divine title. Though unable to read the Arabic writers in the original, Professor Kulakovskiy has in many cases been able to control the statements of Theophanes by the very valuable testimony of Elijah of Nisibis; but in the case of the treaties with the Arabs made by Constantine IV and Justinian II he makes no reference to the important date (7 July) assigned by Elijah to the treaty of 685, which shows that it was made not by Justinian but by Constantine. From this it is evident that Constantine, as is in fact

indicated both by Elijah and by Al Baladhuri (Professor Kulakovskiy, not having access to the *Journal of Hellenic Studies*, could not use my translation of the Arabic references in vol. xviii of that publication), took advantage of the anarchy of 683 to renew the war. The treaty made by Justinian is placed by Elijah in 688-9, and there were in all three treaties, of which the two later have been confused by Theophanes.¹

In popular histories doubtful statements must often be made without substantiation, but in works of this kind, wherever a fact stated has been or may be questioned, it should be supported either by argument or by reference to a monograph or other publication where the matter is treated; but there are a few cases in which the author has, perhaps by inadvertence, neglected this rule. He assumes, for instance, the identity of Crispus or Priscus, the son-in-law of Phocas, with Maurice's general in Thrace, and he may be right; but chronology is rather against it, and it ought certainly to have been stated that the identity is only a conjecture. Again, he places the arrival of Pope Martin in Constantinople in 654, without mentioning any other opinion on the subject or the discrepancy with the patriarchal catalogues. In an article in the *Byzantinische Zeitschrift*, vi. 33 (to which Professor Kulakovskiy refers in the addenda) I maintained the same date; but in a later article in the same publication, vii. 32 (of which he shows no knowledge) I retracted this opinion, and preferred the date 653. This I still believe to be correct, but there are difficulties on both sides, and Professor Kulakovskiy may perhaps be right; but it would have been more satisfactory if he had given his reasons. It is, however, a strange proceeding to save the term assigned in the catalogue to the episcopate of Pyrrhus by silently rejecting its plain statement that he died on Whit Sunday (p. 353).

Closely connected with the fortunes of Martin are those of his ally, Maximus; and here again the chronology has hitherto been in some doubt. Professor Kulakovskiy states that the date of the arrest of Maximus is not given by any authority, and he makes him reach Constantinople at the beginning of 655, from which we must infer that he would place his arrest in 654. In the *Cambridge Medieval History* I gave the same date; but I now see that in the *Hypomnesticon* appended to the *Acts of Maximus*, a valuable contemporary document almost wholly neglected by historians, the date is given as ind. 11 (653), though the fact is obscured by the bad punctuation of the text. This sets the matter beyond doubt, and the argument for 654 given in my note in the *Cambridge Medieval History* must be abandoned. From the same *Hypomnesticon* we learn that Anastasius the *responsalis* was arrested not at the same time as Maximus, as Professor Kulakovskiy states, but in ind. 6 (648).

On the matter of chronology I must note two points on which the author's reasoning seems to be at fault. It has been universally recognized that the date given in the *Liber Pontificalis* for the death of Constans (15 July, ind. 12) is impossible; and Professor Kulakovskiy argues that, since the year is placed beyond doubt by other authorities, the error

¹ Mahbub of Hierapolis also distinguishes the peace of 685 from that made by Justinian.

must lie in the month, and the event be placed in September 668. But the year which is beyond doubt is the year 668, and there is no other authority for placing his death in ind. 12. As therefore it is much more likely that the number is corrupt than the name of the month, July 668 is the obvious date to accept.¹ Again, since Constantine IV was crowned in 654, Professor Kulakovskiy assumes that that was the year of his birth in spite of the fact that in that case his son Justinian must have been born when he was fifteen. No authority is, however, given for the statement that the coronation would be in all probability soon after birth. It is surely also an uncritical proceeding to accept the letter of Khosrau to Heraclius, clearly based as it is on that of Sennacherib to Hezekiah, as genuine, especially as Sebeos tells a similar story about a letter addressed by 'Uthman to Constans. The identification of Nicephorus's 'Kubrat, nephew of Organas', with the man mentioned by John of Nikiu, which is founded upon Zotenberg's revised translation, is very doubtful. From the earlier translation in the *Journal Asiatique* it is clear that the names in the original have very little resemblance to Kubrat and Organas, which are only the translator's conjectures.

It is unfortunate that a large portion of this review is occupied in noting errors or insufficiencies; but we know that the man who never makes a mistake will never make anything, and a history of this length and detail cannot be produced without a considerable number of defects, which it falls to the lot of the reviewer to point out, thereby making them appear far more conspicuous than they really are. In case a second edition should ever appear I add a few minor points. Theodosius, the deaf and dumb son of Heraclius, did not die in childhood (p. 112). John of Nikiu tells us that he was left unharmed when the rest of the family were killed or mutilated in 641. In mentioning the name *λαὸς περιούσιος* which Justinian II gave to his Slavs the author by rendering *περιούσιος* 'supernumerary' is apparently unaware that the phrase is biblical (Deut. xiv. 2; xxvi. 18; Tit. ii. 14). When he states (p. 334) that there was no literature under the Heraclian dynasty, he must have forgotten Theophylact Simocatta. I do not know why he says that the name Bonakis (p. 20) is 'obviously corrupt': Bonacius is a perfectly regularly formed name from Bonus, like Martinacius from Martinus. The author has a curious habit of giving wrong names, as 'Recader' for 'Recared' (p. 49), 'Anastasius' for 'Athanasius' (p. 121), 'Vardan' for 'Vahan' (p. 151), 'Crete' for 'Cyprus' (p. 203), and 'Zeno' for 'Leo' (p. 407). These are of course mere slips, though some may puzzle a reader; but the use of the name 'Paul' instead of 'Theodore' for the Monothelite bishop of Faran is invariable, and must proceed from some confusion. Even more frequent are mistakes in numbers, especially in those of centuries: see particularly pp. 207, 208, where '5' is printed for '6' no less than four times, and pp. 338, 339, where '715' is twice printed for '615'. Other instances are on pp. 97 ('23' for '21'), 168, 192, note 3, 362, and 410, note. The Latin quotations are often so badly printed as to be almost unintelligible.

¹ The date of his son's consulship is no objection, for the consulship could not be assumed till the news arrived.

The volume ends with five excursuses, one on the date of the restoration of the Cross, one on the Bulgarian occupation of northern Thrace and the Bulgarian canon of kings, and three on the system of themes. Of these all except the second are reprints. In the first the author places the date 630 for the restoration of the Cross beyond doubt, and, let us hope, finally slays the long-persisting error that the festival of 14 September had some connexion with the matter. He seems, however, to be in some confusion as to the so-called 'Zacharias Rhetor' (p. 375). The Greek Zacharias, whose work did not include the seventh book here cited, wrote under Anastasius and the Syriac compiler in 569, and I cannot imagine whence Professor Kulakovskiy derived the date 558. The excursus on the Bulgarians is largely directed against Professor Bury, who placed the crossing of the Danube in 660, and founded a chronology of Bulgarian events upon an interpretation of the Bulgarian canon according to which the Bulgarians had a cycle of sixty years and the Bulgarian words in the canon represent units and tens. Of this theory Professor Kulakovskiy will have nothing, and, placing the crossing about 675, is inclined to adopt Mikkola's theory that the words represent years and months, and are, as in other Turanian calendars, names of animals. He does not, however, attempt to base any chronology on the canon. In the excursus on the themes he points out that in spite of all that has been written on the subject, though we may know something about the history of certain themes, we are still almost wholly ignorant as to the origin of the system; and while decisively rejecting the theory of Uspenskiy that it began with a supposed settling of Slavs in Asia Minor under Heraclius, he does not attempt any solution of his own. When he suggests that the military chief of the Armenians under Heraclius and Constans was the successor of the *mag. mil. per Armeniam* and the predecessor of the στρατηγὸς τῶν Ἀρμενιάκων, it is very difficult to follow him. The districts were quite different, and the Armenian native chief continued under Arab rule as the *ishkhan* of *ishkhans*, and in the ninth century developed into the king of Armenia. Under Romans, Persians, and Arabs, Armenia enjoyed a large amount of local independence, and the native levies had probably no more connexion with the imperial military organization than the Highland clans before 1746 had with the British army. The last two excursuses are devoted to the Optimate and Opsician themes. As to the Optimates the author makes it quite clear that they arose from captured barbarians enrolled in the Roman service and that they were identical with the Gothograeci whom we find in Bithyria in 715; but he is unable to suggest an origin for the name or to throw any real light on the history of the theme. With regard to the Opsician theme, however, he is able from a passage in Theophanes to place its origin beyond reasonable doubt. It consisted of those members of the *scholæ* who did not form part of the personal guard of the emperor, and were quartered not in Constantinople but in Asia Minor, where in Justinian I's time they had a commander of their own, who bore the title of count. Professor Kulakovskiy promises for a future occasion a dissertation on the difficult and important subject of the chronology of the Acts of Demetrius and the attacks on Thessalonica, as to which he

differs from previous writers, though unfortunately he does not in the present work give his reasons.

The bibliography is very inadequate, and it is hard to see on what principle it is composed, a large proportion of the works mentioned in the text being absent from it.

E. W. BROOKS.

Guillaume de Jumièges, Gesta Normannorum Ducum. Édition critique par JEAN MARX. (Rouen : Société de l'Histoire de Normandie, 1914.)

A CRITICAL edition of William of Jumièges has long been one of the pressing needs of historical scholarship. First printed by Camden in 1603, his *Gesta* was published in its fullest form by Duchesne in his *Historiæ Normannorum Scriptores* (1619), from which it was reprinted by Migne. It has, however, been clear since the eighteenth century that this text could not have been the work of a single author, and the results of internal criticism were confirmed and amplified by Delisle's studies in the manuscripts, which distinguished a considerable mass of interpolations and additions as due to Ordericus Vitalis and Robert of Torigni. A modern edition was long ago undertaken by the late Jules Lair, who gave to it the broken leisure of a busy life but advanced no farther than the accumulation of a mass of notes, too confused to be of service to others. The chief result of this long preoccupation was the admirable reproduction of the Rouen and Leyden manuscripts published by Madame Lair in 1910, with a preface by Delisle. After Lair's death the task was undertaken by a young French scholar, M. Jean Marx, who has accomplished it with promptness and success.

Fortunately, the original work and its successive editions are so clearly separable by means of the several families of manuscripts as to permit of establishing the distinctions with unusual clearness and certainty. In its original form the *Gesta* was dedicated to William the Conqueror and ended with the reduction of the north in 1070, and one would naturally infer that it was completed shortly thereafter; but in all the copies which have reached us there is a passage (ed. Marx, vii. 9) which speaks of Robert Curthose as duke and announces the intention of treating his reign. A reference to Robert as the reigning duke is also found in a fuller form of epilogue preserved in one family, which also shows differences in the text. Clearly then there was a revision after 1087, but as no trace exists of an actual continuation of the narrative by William beyond 1070, it would seem that M. Marx is rather hasty in taking for granted that this revision was made by the author. The point is of some importance as bearing upon the dates of William's life and hence upon the question to what extent earlier portions of his narrative are contemporary. The next group of interpolations, found only in Harleian MS. 491 and MS. 73 of Magdalen College, consists of three curious episodes, published for the first time by M. Marx, and concerning in one case the story of Bernard the philosopher under Richard II, and in the other two the reign of Robert the Magnificent. Not only are the style and manner of these quite different from that of William, but they are very similar to

the fragment *De obitu Willelmi ducis*, which occurs in the same manuscripts and in these only, from which it was published by Hardy. Internal evidence connects this fragment with the abbey of St. Étienne at Caen, whence M. Marx argues with much force that the whole group can be traced to this monastery. Two of these episodes are also recounted by Wace, a *clerc lisant* at Caen, in such a way as to indicate that he used this text as his source; the editor's argument as to the priority of the Latin version, developed more fully in the *Mélanges Bémont*, could have been strengthened by pointing out that what is in the Latin text merely a 'generale placitum' under Richard II becomes in Wace a session of the twelfth-century exchequer, attended by all the local officers and devoted to the verification of the duke's tallies and accounts. The interpolations of Ordericus, which are seen from internal evidence to have been composed before Anselm's death in 1109, are found in MS. 1174 (Y 14) of the Bibliothèque de Rouen, identified by Delisle as an autograph original, and in various copies which are useful for supplying its lacunae. They relate chiefly to events in the region of St. Évrout, and should be compared with the account of the same matters in the *Historia Ecclesiastica*. For the additions, which according to his own statement were made by Robert of Torigni to the *Gesta Ducum Normannie* (M. Marx overlooks this evidence for the title), we have also the author's original, discovered by Delisle in the Leyden MS. Vossius Lat. 20, which was once the property of Bec, where the work was doubtless composed before Robert became abbot of Mont-Saint-Michel in 1154. Here also later copies are useful for filling gaps, save in the case of the missing chapters of book viii, where two leaves have disappeared from the Leyden codex. The material contributed by Robert almost equals in bulk the original *Gesta*; it includes chapter headings for the whole, further extracts from Dudo, considerable detail on the early history of Bec, a chapter on monastic foundations which served as the basis for his special treatise on the subject composed in 1154, as well as an eighth book devoted to the reign of Henry I. The Leyden MS. also contains certain *Additamenta*, interesting for the feudal relations of the Norman dukes to the French kings, and already published by M. Ferdinand Lot in his *Fidèles et Vassaux*.

As Duchesne's edition was printed from a copy of the recension of Robert of Torigni, what M. Marx offers us is, save for the three episodes ascribed to a monk of St. Étienne, not new material but a critical text of the old, in which the original and the accretions are carefully distinguished. It is now possible to know when we are using William of Jumièges and when a considerably later authority. This process of excision does not help William's reputation as an historian, for he is distinctly inferior both in matter and style to Ordericus and Robert of Torigni, and his inferiority is all too evident when he is stripped of their adornments. Nevertheless he remains our chief Norman authority for the half-century before the conquest of England, and requires the most careful and critical study. Upon his life and personality M. Marx has been able to throw no light. Guilelmus Calculus has not been identified in any of the charters of the monastery, and the three references to him in Ordericus, being obviously based upon a perusal of his history, have not even confirmatory

value. Similarly the statements of the eighteenth-century historian of the abbey, that he was in charge of the monastic schools and resigned this office because of modesty, are probably mere inferences, and incorrect ones, from the phrases of the preface.

Where such personal detail is lacking, it is all the more necessary to reconstruct William's background, after the model of Delisle's masterly introductions to Ordericus and Robert of Torigni, by studying the intellectual condition of the monastery and the relations of the *Gesta* to other historical works there produced. The absence of any investigation of this sort constitutes one of the most serious defects in M. Marx's work. The materials for such a study are, of course, far less abundant in the case of Jumièges than in that of St. Évrour or Bec, nevertheless they cannot be wholly disregarded. In the absence of ancient catalogues of the monastery's library, it is at least possible to examine the collection of nearly four hundred Jumièges manuscripts which have been preserved since the Revolution in the public library of Rouen, and which include from the eleventh century, or earlier, chronological treatises and lives of saints, as well as biblical, theological, and liturgical texts. It must also be remembered that the Jumièges of William's day was the intellectual parent of St. Évrour, for its first abbot, his contemporary Thierry, 'scriptor egregius', was a monk of Jumièges, and the monks who accompanied him thither copied the first books for the library of the new foundation. The surviving fragments of historical literature relating to Jumièges belong, at least for the most part, to a subsequent period, but they deserve critical examination so far as they deal with earlier events. The problem of William's use of such material may not admit of a definite solution, but at least it is not sufficient to dismiss it by enumerating, in the meagre page devoted to his sources, 'des traditions orales et peut-être des textes écrits conservés dans son monastère de Jumièges'. Two texts in particular require attention in this connexion, both preserved in MS. 1132 (Y 15) at Rouen and in MS. Regina 553 (part 2) of the Vatican. One is a brief history of the abbey to the eleventh century; the other is the Annals of Jumièges, based upon the Annals of Rouen, from which they seem to branch off in the course of the twelfth century, and still awaiting a critical edition. There is little in common, either in form or substance, between the brief entries of the Annals and the freer treatment of William; but the editor cannot be absolved from a systematic comparison by the doubt which he expresses (p. 5, note) whether the Annals had been composed when his author wrote. Indeed a critical edition of the Annals would furnish the natural complement to the text of William. The brief history deserves study as a formulation of the monastic tradition to which the editor vaguely refers. Thus certain of the details which William adds to Dudo in his account of the restoration of the monastery under William Longsword (iii. 7, 8) can be found in this source, where we read, in the Vatican manuscript (f. 12 v):

Tempore autem Willelmi ducis filii Rollonis Gunduinus et Baldu'nus monachi ab Haspera qui iuvenes abierant senes redierunt. Extunc a Willelmo duce restauratus est locus. Martinus autem post restaurationem primus post mortem ducis Willelmi ad monasterium Sancti Cipriani unde venerat rediit.

The relation between such accounts raises questions which can be solved only by a searching investigation of the historiography of the abbey.

In general the problem of the sources of William of Jumièges is simpler for the first four books, which are chiefly an abridgement of Dudo of St. Quentin, than for the period of the eleventh century. Certainly for the later books the labour of analysis and comparison must be carried considerably further before any definite results can be reached. The only question of this sort which M. Marx examines is that of the relation to William of Poitiers, between whom and the Jumièges historian a connexion has for some time been recognized. As against Körting's theory of a common source now lost, and Halphen's view that William of Poitiers was the original, M. Marx holds that this biographer had before him the work of William of Jumièges. The matter deserves a fuller discussion: Körting's hypothesis should be attacked by careful comparison of the two writers rather than by the argument *ex silentio* (p. xviii) that the assumed source would have been cited by Ordericus a generation later.

The editor's annotation is for the most part confined to the identification of persons and places and to references to the corresponding passages of Dudo and others. No attempt is made to control the chroniclers' statements by documentary evidence. At times M. Marx shows insufficient acquaintance with Norman history, as in accepting the spurious charter for Montebourg (*Gallia Christiana*, xi. instr. 229), as evidence for its foundation by the Conqueror (p. 254); in omitting (p. 309) reference to the documents (Jaffé, Nos. 7472 f., 7476; Round, *Calendar*, Nos. 1387 f.) which show Innocent II's presence at Rouen in May 1131; and in failing to identify (p. 256) Montivilliers and Croix-Saint-Leufroi and thereby introducing a false punctuation into the text. On the question of William's relationship to Matilda (p. 182) he accepts Stapleton's view, in apparent ignorance of the whole subsequent discussion. There are also too many printers' errors.

On the whole, if we may judge from Lair's edition of Dudo, M. Marx has given us a better and more usable edition than that devoted scholar would have produced. If, on the other hand, he has fallen short of the highest standard of Norman editorship, as seen in the classic work of Léopold Delisle, it must be remembered that this standard is exceptionally high.

CHARLES H. HASKINS.

The Great Roll of the Pipe for the Thirty-second Year of the Reign of King Henry the Second, 1185-6. (London: Pipe Roll Society, 1914.)

IN the substantial introduction which Mr. Round has prefixed to this new instalment of Henry II's pipe rolls he calls attention to a good many matters that have received notice before. This is inevitable but also desirable; many important affairs extended over a considerable time, and the episodes of a particular year would often differ in detail rather than in character from many that had preceded them. It has often been said that the evidence furnished by these records is cumulative, and one is forcibly struck by that as one turns the pages of those that have already appeared, and notes again the points emphasized in the

introductions. They give to the familiar historical outlines of the period a kind of substance and richness, and help one to realize the stir and activity of the period, behind which one cannot but feel the enormous vitality and personal pressure of the king himself.

The present volume illustrates the foreign relations of the year. Some of them are matrimonial, as in the case of the unlucky sisters of the French king and Henry's Saxon granddaughter, and others military—a campaign in Galloway and John's earlier expedition to Ireland. There is the record, too, of diplomatic relations with Sweden, Flanders, and Spain. On the domestic side there is much detail, as usual, of personal and household expenses. We hear of religious foundations, of money spent on castles and drawn from the revenues of vacant sees. Perhaps the most novel part of the introduction is the correspondence which Mr. Round brings out between the present roll and the *Rotuli de Dominabus*, soon to be republished, and the eyre connected with it. This leads him to point out the extremely interesting and important fact that the term *rotulus iusticiarum* in the present roll applied 'not as hitherto to the lists of small ameracements . . . but to such a record as we have in the *Rot. de Dom.*'. This record appears to have been made up of items deposed to by sworn jurors and may very well have been the outcome of some such instructions to the justices as have survived in Richard's *capitula* of 1194. This would carry back the attested use of the jury inquest for ascertaining the king's right into the reign of Henry II.

As in earlier introductions, Mr. Round brings together the information of importance for feudal genealogy and emphasizes a number of interesting legal and miscellaneous points. One or two others may, perhaps, be added. We get further information about Jordan, seneschal of the duke of Saxony, to whom a grant of land had been made in the previous year.¹ The land lay in the honour of Arundel, it had been stocked the year before, and was now by an additional grant brought up to the forty marcates of the original intention (p. 185). Rohesia, sister of St. Thomas of Canterbury, who had long been holding a mill in Canterbury, has now disappeared, and her son John, with whom she had shared it in the previous year, appears in sole possession (p. 186). This, of course, has not escaped the attention of the archbishop's biographers. Interesting light is thrown on the administration of the north by the entry which records that Robert de Vallibus owed one hundred marks 'for many disseisins and because he allowed the king's prisoners to escape from his custody and because when he was sheriff he permitted the circulation of the old currency after the general prohibition' (p. 98, cf. 137). Even so vigorous a king as Henry II must often have asked himself, *Quis custodiet?* Finally, it may be suggested, though with great diffidence, that the name 'le chesemangere' (p. 191), in which Mr. Round sees the earliest instance of the word 'cheesemonger', may possibly signify a consumer rather than a distributor of the commodity. He has himself recognized in Robert Mangebien the possessor of a healthy appetite.

GAILLARD LAPSLEY.

¹ Pipe Roll, 31 Hen. II, p. 112, *Introd.*, p. xxvi.

Some New Sources for the Life of Blessed Agnes of Bohemia. By WALTER W. SETON, M.A., D.Lit. (London: Longmans & Co., 1915.)

THIS interesting contribution to the early history of the Order of St. Clare, which is also issued by the British Society of Franciscan Studies as vol. vii in their series, comes as a reminder of the interruption of international studies in the present state of Europe. It is wholly based upon manuscripts preserved in German libraries, two of which are in the editor's keeping, having been sent over to England for his use before the war, the outbreak of which has also closed at least one subsidiary line of inquiry.

Agnes of Bohemia (1205-82), daughter of King Ottocar I and cousin of the more famous St. Elizabeth of Hungary, ought to be better known in England than she has hitherto been, for our Henry III is said to have been one of the suitors whom she rejected for the cloister. The still more splendid offer of the hand of the emperor Frederick II, peculiarly embarrassing as she had been originally destined for his son Henry, may very likely have hastened her departure from the world. There is some difficulty about the date at which she entered the convent of Poor Ladies at Prague, but it was probably in 1234, and the rest of her life, not far short of fifty years, was spent within its walls. The main source for the history of this royal convert to the ideal of poverty which has hitherto been accessible consisted of the two Latin lives inserted with other relevant material by the Bollandists in the *Acta Sanctorum* under 6 March, the supposed date of her death. The manuscripts from which these lives were copied are apparently not known to have survived. Mr. Seton, however, shows that they were in the main drawn from the Latin life, the oldest existing form of which is first printed by him from a fourteenth-century manuscript at Bamberg, along with a German version of the fifteenth century from a Berlin manuscript. The Bamberg life he takes to represent substantially one of the two lives, in Latin and in Czech respectively, which, according to the Bollandists, were prepared before 1328 in support of a petition for the canonization of Agnes. It is suggested that the variations of the second Bollandist life from that in the Bamberg manuscript are due to the use of the Czech narrative, which is not at present known to exist. There are other manuscripts of the Latin and German versions than the two which have been mentioned, but, though the usual difficulties in fixing their precise affiliation have been encountered, the superiority of those on which Mr. Seton has based his text is incontestable.

In addition to the legend, the Bamberg manuscript and several others include a German version of the four Latin letters from St. Clare to Agnes, which were printed by the Bollandists, only the first of which was before traceable to any manuscript source, and that not earlier than about 1490. The discovery of all four letters in a manuscript at least a century older strongly militates against the doubts thrown in some quarters upon their authenticity.

Except for the omission of an index, the editor has done his work with admirable thoroughness, both in text and introduction. With the help of the new sources he clears up some of the doubtful points in the chronology of Agnes's life. By the omission of a *nonas*, for instance, the

Bollandists fixed the day of her death as 6 March instead of the 2nd of that month. The mention of both 1281 and 1282 as the year is no doubt, as Mr. Seton says, due to the use of a year ending on 24 March. Not the least interesting section of the introduction establishes the fact that Nicholas Glassberger, in his chronicle written towards the end of the fifteenth century, used the Bamberg manuscript for the legend of Agnes, or one very like it, and identifies from a catalogue of the library of Brünn in Austria a manuscript preserved there as the *maior chronica* referred to by Glassberger, which his Quaracchi editors could not trace.

JAMES TAIT.

Chertsey Cartularies, part i. With a short Introduction. (Surrey Record Society, part v, 1915.)

THE materials of this first instalment of the Chertsey cartularies are taken from the fifteenth-century cartulary in the Record Office, but the Cotton cartulary (Vitellius A. xiii), which contains the earliest charters of the abbey, will be used in subsequent parts. In these pages there are no royal charters, and with two slight exceptions nothing earlier than the reign of Henry II; but there are ten early final concords, which are not to be found in the volume of Fines printed by the Pipe Roll Society, four being of the end of Henry II, and six of Richard I, in one of which there is mention of an archdeacon of Totnes unknown to Hardy and Le Neve, though known to us from the Ramsay cartulary. The chief portion of this volume is occupied with ecclesiastical documents of considerable interest, such as the ordination of vicarages and disputes about tithes. The editing of this work is unlike the editing of any cartulary that has been printed; for the original is reproduced *literatim* with all the errors of the original and with its punctuation, though abbreviations are expanded. It is unnecessary to say that in Mr. Giuseppe and Mr. Hilary Jenkinson the society has secured two of the most trustworthy editors; but the result will prove unsatisfactory to many students. To reproduce the scribe's blunders, as regards words, does no harm, as they are indicated by a (*sic*), or corrected at the foot of the page; but the errors of punctuation are not, and cannot be, corrected; and as the scribe's way was to put a full stop and start the next word with a capital wherever his fancy chose, the book is full of pitfalls for simple folk. An instance is supplied by the first sentence of the first deed, which is all the worse because it will almost construe as it stands. Something might be said for giving the stops that are found in original deeds, but here we have only the punctuation of a transcriber, one, too, who either could not construe what he was copying or did not read again what he had written down.

The editors have indicated nearly a hundred errors, to which the following may be added: p. 1, line 33, *Saresbinensis* is an error of the scribe for *Saresbiriensis*; p. 3, l. 22, *infirmittatis* should be *infirmittates*, and in the last line *imperpetuum* must be a slip for *salutem*; p. 4, l. 40, read *ut* for *et*; p. 6, l. 12, *eterne* for *eterni*; p. 32, l. 29, *Petro* for *Petre*; p. 60, l. 33, *indigerint* should be *indiquerit*, and it should be pointed out that four words later the scribe has omitted two or three lines between

specificata and *decernimus*, for the sentence must have run: *specificata dicti abbas et conventus supportabunt. Quod si contingat* (&c., as on page 70, line 15) *decernimus* &c.; p. 63, l. 15, *huic* should be *hinc*, and p. 66, l. 7, *hic* should be *hinc*, and a few lines later read 1331 for 1230; p. 71, l. 16, *quondam* should be *quandam*; p. 72, l. 31, *ad* is required before *ecclesiam* (cf. p. 67, l. 15); p. 74, l. 2, *qui* should be *que*, and l. 33, *ab* is required before *antiquo*; p. 75, l. 4, *quadagesimam* should be *quadagesimalis*; p. 79, l. 38, *materia* as written by the scribe is correct; p. 80, l. 18, *fuerunt* should be *fuerint*, and likewise p. 85, l. 11; p. 82, l. 6, read *eosdem* for *eodem*, and l. 24, *peticione* for *peticionem*; p. 85, l. 26, *contumacionem* should be *continuacionem*, and the sentence should run: *quantum ad omnia alia per privilegia sedis apostolice, continuacionem usus privilegiorum suorum, et execucionem iuris sui*; line 34, insert *sibi* before *et*, and line 42, read *area* for *arca*; p. 89, l. 3, insert *hiis* before *exequendis*, and line 20, insert *cum* before *ecclesia*; p. 91, at the bottom of the page, read *lite contestata* for *litem contestatam*; p. 92, l. 15, and p. 93, l. 22, *hic* should be *hinc*. The introduction, though short, is full of interest.

H. E. SALTER.

Visitations of Religious Houses. Vol. i, 1420 to 1436. (The Lincoln Record Society, Vol. VII.) Edited by A. HAMILTON THOMPSON. (Horncastle: Morton, 1914.)

THIS is a piece of work in which the editor has been helped by Mr. G. G. Coulton, and it has been executed with admirable learning and completeness. The Latin, accurately transcribed, is faced by an English translation that shows full knowledge; the introduction, notes, appendixes, and glossary are most instructive. Occasions for criticism are few; yet in a curious passage on p. 53 *pertractatio* means 'contemplation', not 'performance'; on p. 101 *antiqua nemora non cedua* does not mean 'old copses, not in decay', but contrasts standard timber with woods cut in rotation; and on p. 115 *salutem in amplexibus Salvatoris*, very characteristic of devout feminine musing of the fifteenth century, has been omitted from the translation of a licence given by a prioress to one of her nuns.

The documents cover every aspect of monastic life as it came before a bishop and his officials and was recorded in his registers. The most important part is the series of injunctions issued after visitation by Bishops Fleming and Gray, and to them this notice must be limited. Yet the volume deals with many other topics of interest, and among them a visitation of Lincoln Cathedral in 1432, which was one stage in the famous struggle of Dean Mackworth against his successive diocesans. In regard to the injunctions, since all that we know of the evidence upon which they are based is that it satisfied the bishops, a certain effort of reading between the lines is necessary for their interpretation. But this volume is soon to be followed by one of the proceedings of Bishop Alnwick, the record of whose actual interrogations and discoveries has been preserved, and the editor is sometimes able to cast light upon obscurities from these subsequent revelations.

No question about monastic injunctions is more interesting than that of the meaning, or want of meaning, in the element of common form that they contain. In regard to this the editor makes the point that the more serious the evils to be amended, the more grave is the preamble. But it is followed by the usual admonitions as to punctuality and regularity at early services, and so forth; only after this are the more conspicuous offences recited. Thus, when the visitor is most in earnest, he still lays stress on these apparently trivial matters. The laxity in such cases evidently infects the whole life of the house; and the impression which these visitations leave is that the cause of mischief was weakness of government. Whether the symptoms of revolt be serious or slight, they are due to the relaxation of authority; there is no sign of their being caused by its excessive employment. If the common form is not meaningless in the more serious cases, neither is it otiose in the lighter. This seems clear from the numerous instances in which a general injunction is amplified in a way which shows that the visitor was writing with local knowledge. For instance, while no order is more common than that for attendance at matins, at Ashby only is it ordered that canons shall appear fully dressed at that service. The bishop must have received information that one or more of these religious were anticipating the defective dress of modern undergraduates at chapel or roll-call. Another general injunction is that of bed and silence as soon as the duties of the day are over; at Newnham, near Bedford, there is an order against sitting and joking in the kitchen. At Caldwell, Huntingdon, and St. Frideswide's, hounds are no longer to be kept within the monastery. Their presence in it was a fact which could not be concealed, but the special injunctions at Dunstable, that canons are not to go to the meet nor accompany the hounds or hawks if they fall in with them abroad, remind us that the second contingency has befallen the country clergy in recent times, and the offence can only have reached the bishop's ears through information given him within or without the monastery. We cannot wonder that in more than one case there is an injunction against ill will or revenge for what has been revealed.

But we need not suppose that an injunction meant that the fault against which it was aimed was prevalent. After making all allowance for the effect of the solemn command to each inmate to reveal whatever abuses he knew, and also for a standard of honour that differed from ours and that must have been affected by the atmosphere of the cloister, we may still assume that monks, treated like schoolboys throughout their life, had in general the schoolboy's loyalty to his class and did not tell tales of one another except under pressure. The visitor, therefore, except when he was fortified by external information on which he could base his examination, had to construct his report out of what he could pick up at his interviews, which might neither be serious in itself nor characteristic of the house he was visiting. If, for instance, we find that St. Frideswide's is the only convent where abstinence from archery is enjoined, we must not conclude that this recreation was prevalent at Oxford, nor that it was unknown elsewhere.

Visitations, the editor points out, were not held systematically; and

of course exempt houses and orders were excluded. Only 32 out of 136 monasteries in the diocese of Lincoln were visited (or at least received injunctions) under Fleming and Gray; but Mr. Hamilton tells of visitations by Archbishops Courtenay, Arundel, and Chichele, which were summary but fairly complete. They were no doubt chiefly aimed at the Lollards, but in their course the whole function of the bishop, who was inhibited, was taken over by the archbishop, and fees were exacted by the Canterbury officials. On procedure at visitation these documents, save some commissions and some returns made by the commissioner to the bishop, cast little light. From the injunctions, after such deduction for common form and for possible reticence in grave cases as may be necessary, we learn what the bishop or his representatives regarded as proved to need amendment. We do not learn how they collected or how they tested the evidence submitted to them. The one instructive case as to method is that of the prioress of Markyate, who must be mentioned below.

It must be said that we do not get a pleasant impression from this volume. There is a general laxity and a want of enthusiasm so prevalent that the visitors themselves can venture upon nothing higher than an attempt to maintain decorum. There are, it is true, cases of the gravest misconduct, but they are not very numerous and are so frankly described that it is unlikely that false shame has concealed others of the same kind. Why, indeed, should not realities be stated in such a record as an episcopal register? In fact, considering the general spirit of the monasteries, as revealed by the injunctions that were necessary, the wonder is that the worst offences were so few. For monasticism had drifted into a false position. The monastery did not offer the privilege of retreat to minds which had the vocation: it had become a competitor for recruits. There was a certain number of places that must be filled, and neither the convents nor the visitors could afford to be scrupulous as to the quality of the persons they accepted. We have already reached the point at which the founders of colleges saw their opportunity and reaped their harvest. Newstead Priory near Stamford (not the better-known house in Nottinghamshire) is derelict; the prior resigns in 1435, and he is the last inmate. It is true that this Austin Priory revived, and did not share the fate of Selborne, one of Bishop Waynflete's acquisitions; but this volume prepares us for the fate of Brackley Hospital, which was to fall into his hands. But, apart from such extreme cases, the evidence is ample for a decline in numbers which made it impossible for some monasteries to carry out the routine of their services; this (though the editor does not mention the point) may account for the large number of secular clergy, not always endowed, who were employed by monasteries. Several times injunctions are issued which peremptorily order an increase of numbers. In no case is a word spoken concerning a scrutiny of motives, and two of the houses to which the command is given were in such a state of moral dissolution that one would have expected a bishop to forbid the enlistment of recruits till the life had been amended. The only case in which an increase is forbidden is Fineshade, a poor priory, '*ne propter penuriam detur licentia evagandi*'; the laxity of the Austin rule would

make it difficult to hinder this. The need of numbers led to urgent commands to recover 'apostates', even though their desertion might be due to the want of vocation for the life, and also, again without consideration of motive, to the order that religious who had not made their profession should at once make it.

The inmates knew that they were indispensable, and therefore were tempted to take liberties. They were further provoked to take them by the fact that their life was governed by antique codes which provoked rebellion. The visitor himself had to use the standard of the Benedictine or Austin rule as that by which he judged the life. But it was increasingly difficult to enforce it. There was a prejudice against the common meal in the refectory, so strong that the bishops had to allow a compromise. At Eynsham it is enjoined that two-thirds of the inmates shall be present; at Godstow there must be twelve at least. At other houses not the number of persons but that of occasions is specified. The nuns of Delapré have kept frater thrice in the week; henceforth it must be four times. At Bradwell it is ordered that frater be kept every Wednesday and Friday. At Humberstone Abbey there is an obscure injunction on which light is thrown by the editor from Alnwick's visitation. That bishop found that for twenty years the refectory had only been used on Good Friday. Dorter, too, was being neglected, and there are symptoms of the approach of that state which was prevalent at the Dissolution, when the dormitory, no doubt a draughty building, was often abandoned, and the religious slept by ones and twos in any available room. And there are signs of the development of a rotation by which a fixed number, which tended to be a maximum, attended each service. At Ramsey it is enjoined that at least sixteen, beside those officiating, shall be present; the editor estimates that the house contained forty monks. This is to be an improvement upon the existing practice, but even the latter far exceeds what Bishop Alnwick found being observed a few years later.

When the greater monasteries found it difficult to obtain novices, the smaller must have been in even greater straits. The career was ceasing to seem attractive to parents who had children to settle in life. One cause was poverty; there are a good many complaints that the *peculium*, or pocket-money, was irregularly paid to the monks. Even at a large house, like Bardney, where it was £1 per annum, this was the case. And the poverty was often due to maladministration. There is ample evidence of a want of interest in the affairs of the house on the part of the monks. It is constantly enjoined that an annual account shall be submitted to the full chapter, and abbots are forbidden to keep matters in their own hands. At Peterborough, where the visitor supersedes the abbot by a committee, though he does not depose him, one of the charges is that he bestows the livings in the gift of the house at his own discretion; and generally there is a failure of the inmates to exercise their constitutional rights over the management of the corporate property. In fact, the fortunes of a religious house had come to depend upon the character of its head, and a bad tradition was likely to perpetuate itself by the election of successive heads who would maintain the existing laxity. The worst of the greater houses in the diocese of Lincoln was Eynsham Abbey.

It was insolvent, its jewels were in pawn, there was no master of the novices, the Benedictine rule was flagrantly neglected. We may regard it as a symptom rather than the cause of this low state that the abbot was convicted of vulgar immorality. Happily, when we last hear of him, his deposition seems to be impending. Similarly at the small house of Canons Ashby the prior frequents inns, boards his own relations on the priory, wears lay attire, and is scandalous in his relations with women. He, however, is not deposed, but only suspended from the execution of his office.

It was, perhaps, to be expected that when self-respect was lost a house of nuns would fall lower than one of monks. There are two instances which show whole communities in this state. Godstow was a nunnery with special temptations; but it is astonishing that Bishop Gray, in appointing a commission to visit it, should instruct them to ascertain whether a nun, whom he names and whom at a previous visitation he had found on the point of becoming a mother, has been elected to any post of authority within it. Still more remarkable is the case of the prioress of Markyate. She was charged, and Bishop Gray's commissaries proclaimed her guilty of the offence, with gross and prolonged immoral relations with the steward of her convent. In the course of the hearing she offered to clear herself by compurgation, but could not find even five among her sisters to assert their belief in her good character. She was allowed to resign, but the editor adds that nine years later she was still prioress. If she had been re-elected by the convent, the nuns had made themselves her accomplices, and the bishop, by instituting her afresh, had condoned her fault. But perhaps her cession had never taken effect; if that were so, there was a weakness of administration on the bishop's part, not exceeded by that of the Elizabethan bishops in their dealing with the puritans; for the offence is recorded with all solemnity in the register, not as an accusation, but as a *compertum*. Professor R. G. Usher has taught us that the Elizabethan visitations merely revealed nonconformity, which the bishops had no power to combat, and he contrasts with their weakness the coercive jurisdiction of their predecessors. These visitations seem to show an equal ineffectiveness in the fifteenth century.

To explain the sad state of some houses, the editor suggests that they were disorganized by a recent change from the alien to the denizen status. He instances Daventry and St. Neots, the latter of which was almost dismantled. It had not even a bell to announce the hours, and there were no carrels in the cloister. The discipline corresponded to the equipment. However this may be, the measures ordered for reformation are very uniform. Punishment takes very few shapes. Only once is the discipline ordered, at St. Frideswide's; once an offender is to be isolated and take his meals alone, at Peterborough. Usually either imprisonment, fasting, or fining is the penalty. The *peculium* is very conspicuous. Among the few duties of personal relation of a head towards his subjects that are enjoined is that of annually receiving their confession and taking account of their *peculium*, which they are to display. If he deems it excessive, he may confiscate it for the good of the house. But a more

urgent danger is that of its being diminished by fines. At Newnham, near Bedford, canons in priests' orders are negligent in confession and saying mass; a deduction is to be made from their *peculium*. In the same priory there has been a brawl, with effusion of blood, between two canons; the smart fine of £5 is imposed, which is to be added—a characteristic touch—to the bishop's procurations. Of appeals to higher feelings than the dread of punishment, or to higher duties than that of keeping rules, there is a remarkable lack.

In regard to education we learn little. There are a number of orders that elementary education shall be provided for the boys who are being brought up as monks, and twice that necessary officer, the master of novices, is mentioned. In a society much smaller than a modern college, whose members lived in closer association than that of common room, the comfort of the seniors must have needed that a strong discipline should be maintained over the juniors. Of a library, of books (except once of service books in the church), of study, there is no mention whatever. External education only appears in the houses of men in the case of the almonry boys. In several houses orders are given that the school for them is to be established or increased in numbers. One object expressed is that the broken meats may have fit recipients. At Thornton there are to be at least twelve such boys. Usually they would take orders, with a small pension from the house that had trained them as their title, which would be forfeited as soon as they received a benefice. But at one humble monastery, Bradwell Priory, the motive for starting such a school is that it will furnish recruits to the house itself. But only the poorest monasteries would look to such a source; the rest would expect neighbours, and perhaps tenants, of the middle class to spare them their superfluous sons. Of more general education, such as in grammar schools, no mention is made in these injunctions. They furnish evidence, however, of female education as a normal employment of the nunneries. Such education must end at fourteen. Nunneries also, very properly, conducted infant schools for boys, but this seems only to be sanctioned in the case of the poorest. Burnham, one of the worst endowed houses in England, is forbidden to have males dwelling in the house beyond the age of eight. Boarders also were a source of income, which might be necessary, but required supervision. A married couple lodging at Godstow excite animadversion and must be expelled; at poor Burnham female lodgers may be received, after their names have been submitted to the bishop and approved by him.

Little can be learned from these documents concerning the rights of the patron of a monastery, which were more real and important than is commonly remembered. But a veiled though unsuccessful attack upon these rights is constantly being made in the injunctions. They forbid the burdening of religious houses with corrodies, which were (though the bishops are discreetly silent on the point) often granted at the command of the Crown or other patron. But the visitors never venture to annul corrodies already granted. At St. Frideswide's corrodies have been given in defiance of a recent injunction; at his visitation Bishop Fleming only commands that the offence shall not be repeated. And at Eynsham,

where the bishop, as successor of the great Reinigius who had restored the Benedictine life in the monastery after the Conquest, was patron as well as visitor, corrodies already in existence are maintained as a legal charge upon an income that was sequestrated by Bishop Gray for the payment of debts.

The picture of these monasteries is not a bright one. There is no sign of any hope or desire on the bishops' part to maintain anything higher than respectability; and it was evidently difficult to reach even that standard. The age was in many ways degenerating, and this is the generation after Chaucer. But it was an age of liberality to such religious objects as it approved. While St. Neots Priory was in decay the noble parish church of that place, the 'cathedral of Huntingdonshire', was being built, of whose splendour the architecture is sufficient witness. The men who built the church stretched out no hand to help the monastery. The visitor contemplates no source of relief for it save from a better administration of its ancient endowments. Public opinion throughout England in regard to the religious houses would have agreed with Bishop Gray's verdict on Delapré Abbey. He drily remarks that he cannot find much to praise, but there are some things that must be amended.

E. W. WATSON.

Calendar of State Papers, Foreign Series, of the Reign of Elizabeth, July 1583—July 1584, preserved in the Public Record Office. Edited by SOPHIE CRAWFORD LOMAS, F.R.Hist.Soc. (London: H. M. Stationery Office, 1914.)

THE *Calendar of Foreign State Papers* is making unusually rapid progress under the editorship of Mrs. Lomas, though it barely keeps pace with the lapse of time, and the thirteen months covered by this volume are at least equalled in number by those which have elapsed since the publication of its predecessor. The inclusion of the thirteenth month, July 1584, brings the assassination of William of Orange within its scope, though not the effect of that murder on English policy. Perhaps the most interesting comment on Gerard's deed is that (No. 768) where Herle attributes Gerard's success to the overweening confidence of Villiers, the Calvinist minister, in his own capacity as 'master of the spies'. 'For by Villiers' presumption, access was given to the murderer, who for thirteen weeks was in and out in the prince's court, seeking opportunity for his design, in which time there failed neither suspicion nor advertisement that he was not what he pretended.' Motley has made popular the view that William's assassination was a wellnigh fatal blow to the cause of the insurgents, and that but for it the Prince of Orange might have succeeded in uniting the seventeen provinces. Mrs. Lomas is constrained to point out (pp. xxxi-ii) that such a view is not supported by the documents she prints. At no period was Parma's progress more rapid than during the last twelve months of Orange's life. Town after town familiar to us to-day as household words, Ypres, Nieuport, Ostend, Dunkirk, was reduced by siege, assault, or composition, in spite of the inundations which in 1583-4 no less than in 1914-15 were found to be the most effective means of defence.

Jealousy of the prince was more potent than his statesmanship, and his disappearance from the scene had more effect in removing an obstacle to co-operation than in depriving the insurgents of leadership. The heroism of the Dutch, like that of the American, War of Independence, is largely a matter of legend; it was the heroism of a small minority which was almost brought to nought by the indifference, selfishness, and local jealousies of the masses.

This year was also marked by the disappearance of another figure prominent in the affairs of the Netherlands. Anjou died on 31 May/10 June 1584, and his death, reinforced by the consequent raising of the question of the French succession, practically put an end to French interest in the Netherlands, and left the field to Elizabeth and Parma. The importance attached by Elizabeth to Anjou as a 'buffer' in the Netherlands is indicated by the sums she lent him; and it appears from No. 340 that in 1581 she provided him with £278,340, and in 1582 £353,731, the two sums together being more than double the amount she spent in assistance to Henry IV from 1591 onwards. The diplomatic situation in France became more than ever difficult, with Henry III placed between the Guises and the Huguenots; and after Mendoza's expulsion from England, early in 1584, Paris was the all-important centre for English diplomatic activity. It was the only channel through which Elizabeth could influence the Spanish government; for while Mendoza had been expelled in order to frustrate his plots and impede his observation of the English government, Elizabeth still desired facilities for probing Philip's intentions and misleading his impressions. She also wanted a watch kept on the numerous catholic refugees and papal agents who foregathered in the French capital. For this purpose Sir Edward Stafford was selected to succeed Cobham in the autumn of 1583. He had been in his youth a page in Condé's house, and, unlike some English ambassadors, he was intimately acquainted with the French language and French politics. Some of his English connexions, too, were such as to make his professions of friendship with catholic refugees at any rate plausible. Indeed, his association with the refugees, with Guise, and afterwards with Mendoza was so intimate that they believed him really to be disloyal to his government. This belief has been held by some historical students, and the problem will figure largely in later volumes of this calendar. Here we need merely note the editor's conclusion (p. xxxiv): 'so far as I have gone in the examination of the papers, I have not found one word which could lead us to believe that he was other than what he professed to be, loyal to his country, his church, and his queen.'

A. F. POLLARD.

The Life of Thomas Pitt. By SIR CORNELIUS NEALE DALTON, K.C.M.G., C.B., M.A., D.C.L. (Cambridge: University Press, 1915.)

BESIDES the information concerning the life of 'Governor' Pitt which Sir Cornelius Dalton has gathered from the best printed authorities, this volume contains an account of the fortunes of the East India Company during a critical period; indeed, the two subjects could scarcely be treated apart, for thirty-six years of Thomas Pitt's life were spent first in active opposition to the Company and later as one of its most efficient servants.

The capacity in which he first sailed to India, apparently in the Company's service, in 1673, and the cause of his desertion at Balasore seem uncertain, but we find here that so far from starting with some capital and at once gaining a considerable trade, as the latest biographer of his grandson Chatham believes, he spent four years in drudgery, working for two of the Company's factors who were carrying on private trade with Persia. He certainly did some business on his own account, but his marriage with the niece of his employers seems to have been the foundation of his success, and he soon became a prominent 'interloper'. In the eyes of the Company, interloping was no better than piracy, but this was by no means a universal opinion. That a royal charter should confer a monopoly of trade and judicial authority on a joint-stock company offended the whigs, especially as its increasing trade outraged the economic prejudices favoured by parliament. In the face of the constitutional question involved in its charter the Company hesitated to proceed against those who infringed it in an English court until, as is observed here, Charles II was at the height of his power. Then an action in the king's bench against one Sandys, heard before Jeffreys, C.J., and reported in this volume at great length, ended in a declaration of the validity of the charter, and for some years prevented interloping expeditions from sailing from England. As a consequence of this decision Pitt was condemned to pay the Company £1,000, of which it remitted £600.

For ten years after his return from India in 1681 he remained at home : he was then a wealthy London merchant, with a good country house at Stratford, near Salisbury, and another estate in his native village, Blandford St. Mary, and he was returned to the convention parliament as a member for the borough of Old Sarum, which he bought soon afterwards. Several notices culled from the *Calendar* of the Dropmore MSS. illustrate the care which he took to improve his estates by planting trees and the 'laying out of land', a taste which his favourite grandson Chatham inherited, and indulged with less remunerative results. Like many other London merchants, he engaged in some privateering ventures during the war with France, in reference to which it may be noted that incorrect dates are assigned here to the battles of Beachy Head and La Hogue. With one of these ventures we may, it is suggested, connect the tradition of his having been taken prisoner by the French and of his having sustained some serious pecuniary loss. Such loss would perhaps account for his once more, and for the last time, embarking in 1693 on an interloping expedition. The position of the Company was much weakened by attacks upon it in the commons, and a rival association had already been formed with its seat in Dowgate Street. Pitt then would not lack support. The council declined to prevent him from sailing, and the agents of the Company in vain tried to stir up the native rulers against him. The resolution of the commons the next year that trade to the East Indies ought to be open to all Englishmen, and the growth of the influence of the new association, forced the Company to turn from harrying interlopers to a struggle for its own existence. Some agreement was made with Pitt and his abettors ; the Company became interested in his success and, in 1697, appointed him governor of Fort St. George.

An attractive part of Sir Cornelius Dalton's work is his account of the settlement under Pitt's government. Exclusive of the small garrison, the English population numbered less than 200, and of these all the servants of the Company had a right to quarters in the fort itself, where they lived together as in a college with a common table and daily prayers in chapel. There were few opportunities for sport, and the library was furnished by the Company chiefly with books on divinity. In view of the aims and practices of the Company and its agents, the religious conditions it ordained for its settlements is not edifying. Even outside the fort life in so small a society must have been wearisome and trying to the temper, and there was much quarrelling. Pitt, though he had a violent temper and could not brook opposition, was not ill-natured; he took a paternal interest in the young ladies of the settlement, and was inclined to match-making. His appointment was fortunate for the Company: no one knew better how to deal with the native rulers; he acted with foresight and promptitude, and was thoroughly loyal to his 'masters'. The struggle between the old company and the new or 'English' company, incorporated in 1698, had to be fought out in India. The new company hoped to gain an advantage through the favour of the government, which allowed them to send out their three principal agents with the title and authority of king's consuls: the consul sent to Madras was John Pitt, a cousin of the governor whose dealings with his rival are amusing reading. The governor's position was for the moment endangered by the arrival of Sir William Norris as the king's ambassador, sent by the new company to obtain privileges from the Moghul emperor. But Norris's embassy was a failure, and the governor's scornful words about 'the bouncing of ambassadors and consuls' were justified. The evil effects of the hostility of the English to one another in India are illustrated by the long blockade of Fort George by the nawab of the Carnatic which followed this embassy. Pitt showed himself fully equal to the demand upon him, and his conduct at this crisis sustained 'the fast waning prestige of the English in India'. His fall was a consequence of the amalgamation of the two rival companies. Until that event he had always been sure of the support of his employers, and consequently had had no serious trouble with his subordinates, but the united court contained representatives of the new company who were ready to suspect his integrity and managed to get men who were hostile to him appointed to his council. On the occasion of a violent dispute between the 'right hand and left hand castes' inhabiting the Black Town, he accused, not without reason, one of his council of collusion with the faction whose claims he had rejected, and suspended him. The matter was brought before the directors, his enemies were active, and the court deposed him in 1709.

It was during the blockade of Fort George that he bought the famous Pitt diamond. Sir Cornelius Dalton, who rejects the romantic traditions which surround its earlier history, has much to say with reference to the measures taken for its safe-keeping, its cutting, and its sale. Pitt's anxiety about it was natural enough, and Dr. von Ruville's remarks on it as evidence of a lack of fine feeling, religious sense, and so on, are, as is pointed out here, extremely silly. Certainly Pitt was not a man of fine feeling: he was overbearing, wrathful, and given to abusive language,

and he was keen to make money, valuing it, I think, rather for the position and power that it brought him than for its own sake. He spent largely, especially on the acquisition of estates, for he desired to found a family which should vie in importance with that of his kindred the Pitts of Strathfieldsaye; and he looked to his wealth to enable him to impose his will on others, especially those of his own household. It is in his dealings with them that the worst side of his character is most apparent. But they certainly tried him sorely. The extent of his wife's misbehaviour appears to have been uncertain: he treated her as though her guilt was established. 'I make noe distinction', he wrote to his eldest son, 'between women that are reputed ill and such as are actually soe: wherefore I have discarded and renounced your mother for ever.' This eldest son, Robert, was a poor creature, idle, graceless, and a mischief-maker, and his two younger brothers were unsatisfactory. Pitt's foresight, courage, and capacity for ruling men, as well as his outspoken contempt for his opponents, appear in his famous grandson, who also unfortunately inherited his gouty constitution, sufficiently accounted for by the governor's inordinate love of wine. After his return to England, Pitt took part in political affairs as a member of parliament, and as his three sons also had seats in the house and Lord Stanhope was his son-in-law he was a man to be considered. He was generally a consistent whig, but voted against the peerage bill. His acceptance of the governorship of Jamaica may, it is suggested, have had a financial motive, for the great diamond was not then sold; when he withdrew his acceptance, negotiations for its purchase seem to have been afoot.

While there is much that is interesting in this book, it suffers sadly from the amount of space taken up with things which do not directly concern its proper subject. For example, Pitt's share, such as it was, in public affairs after his return might have been recorded sufficiently without discourses on the political situation, including an account of the 'new journalism', Swift's work for the tories, and like matters, and without at least six pages on the death of Anne and the accession of George I: nor does the fact that Pitt bought Boconnoc of the widowed lady Mohun justify a repetition of Swift's account of Mohun's duel with the duke of Hamilton, with a reference to the age of Beatrix Esmond thrown in.

W. HUNT.

The Silesian Loan and Frederick the Great. By SIR ERNEST SATOW, G.C.M.G. (Oxford: Clarendon Press, 1915.)

SIR ERNEST SATOW'S monograph on an episode—if that term can reasonably be applied to a series of transactions which extended, all told, over some two-and-twenty years—is a contribution of rare completeness to the history of international politics and of international law in the earlier half of the eighteenth century. The two aspects of the complicated story are not to be kept apart; and, to his treatment of it, at once elaborate and precise, Sir Ernest Satow has prefixed a preface which is a model of its kind and, though only covering a page or two, contrasts very notably with the misstatements of the matter by Carlyle and others which he has

obligingly relegated to an appendix. The remaining appendices contain a large body of documentary evidence nearly altogether new.

It is unnecessary here to attempt a summary less authoritative than that furnished by the author of this interesting volume; but one or two aspects of the twofold significance of the story may perhaps be pointed out. In what may be called the first stage of the business of the Silesian debt, which at first amounted to a sum of £250,000—borrowed by the Austrian government from British subjects upon a mortgage of the imperial revenues in Silesia and taken over by Frederick II on the cession of the province in 1742—there is little of special interest. For it was not till after the declaration of war by France against England in 1744 that the astuteness of the king of Prussia at last discovered an effective way of evading the obligation of paying the balance of the debt, of which he had actually paid 500,000 dollars' worth in 1742, and which he had undertaken to settle both in the peace of Dresden of 1745 and, in return for the renewal of the British guarantee of the Silesian cession, in the act of acceptance of 1746. This way was found in the complaints formulated by the Prussian diplomatic agents in London of the unlawful treatment of Prussian ships by English privateers, notwithstanding the verbal declaration of Carteret (Granville) to the Prussian minister in London that his country's flag would be carefully respected. After Henry Legge's mission to Berlin early in 1748, of which Sir Ernest Satow for the first time offers an account supplemented by documents, and in view of the desirableness of humouring Great Britain, Frederick II not only temporized as to taking this course, but in August 1750 actually paid over a further instalment of the debt. Yet (though the motives of his action at this point are somewhat uncertain) he soon afterwards began to urge the claims on account of the Prussian ships (all of which had, meanwhile, been released), and now took the extraordinary step of appointing a commission of his own to examine the claims in question and estimate their total. It is the report of this commission, the *promemoriâ* presented by Michell in London after being asserted by the king's own hand, and the *exposition des motifs* that had determined him to withhold the balance of the Silesian debt till the claims on account of the ships had been settled, which, together with the report of the English crown law officers, represent the Prussian and the British 'cases' in the *cause célèbre* expounded in the present volume. The main questions on which the whole controversy turns are those of 'free ships, free goods' and 'enemy ships, enemy goods', which are by no means identical, and which, of course, involve the definition of contraband; but the whole subject of prize courts and of appeal from them (logically solved at the Hague in 1907) enters into the Anglo-Prussian difference in particular. Sir Ernest Satow's general statement as to 'prize law in the first half of the eighteenth century' is thus a particularly welcome chapter; those that follow are occupied with an account of the negotiations with Spain, Austria, and Russia, which ensued on these powers being informed by Great Britain of the merits of her controversy with Prussia, and of those with France, whose ally Frederick still was and whose views of international law it had suited him largely to adopt.

The British negotiations with France began with a request on the part

of our government that the French would employ its good offices to induce the king of Prussia to abandon an attitude which King George II, always suspicious of his nephew and full of grievances against him, and apprehensive of his designs upon Hanover, had regarded as a fresh insult. The French government failed to distinguish accurately between 'good offices' and 'mediation'—terms, it must be allowed, not always kept very clearly apart in diplomatic language; though 'good offices' are usually regarded as consisting rather of a general exhibition of friendly readiness to promote a settlement than of the offer of definite suggestion—and even, carrying back the question to an earlier prize dispute of its own with Great Britain, sought to pose as arbitrators. Hence the further *mémoire* of the French government, which, without professing to aim at discussing the Anglo-Prussian dispute, incidentally stated the French view of all the main points in it. But the attempt entirely missed the mark; and, before long, the important negotiations began which ended in the treaty of Westminster of January 16, 1756. Frederick had at last convinced himself that from France he had nothing to hope in the great conflict that was preparing, if indeed she was not already making terms with Austria; while from the British subsidy treaty with Russia (for which Bestusheff had been fed so handsomely) he had nothing to fear, except in the event of an aggression of his own on Hanover. On the same day as that on which the treaty of Westminster was signed, a British declaration that, so soon as the balance of the Silesian debt, hitherto sequestered by the Prussian government, should have been paid (both principal and interest) to the British bondholders, the sum of £20,000 would, in return, be paid in extinction of any Prussian claim of indemnity on account of the ships. Inasmuch as it appears that the sum from which this deduction was to be made was only a little above £40,000—not a very high figure for the expenditure of so much time and trouble—the settlement of the little account, soon after consummated, was as satisfactory as the political decision was, in the sequel, to prove momentous. A. W. WARD.

The Partitions of Poland. By Lord EVERSLEY. (London: T. Fisher Unwin, 1915.)

Poland and the Polish Question: Impressions and Afterthoughts. By NINIAN HILL. (London: Allen & Unwin, 1915.)

It is most appropriate that the great authority on land-enclosure in England and the protagonist of the rights of the villagers on their commons and open spaces should produce a really good book on the notorious instance of monstrously illegal international territorial spoliation described in the first of these volumes. Lawless and unjustifiable dismemberments of nationalities took place before the partitions of Poland and have taken place since; we have only to remind ourselves of the histories of the Serbo-Croatian and of the Bulgarian peoples. But that of the Poles and of their country have both had more fatal consequences and struck the imagination of civilized Europe more than any other analogous process. As Lord Eversley points out, Poland in the sixteenth century was one of the most enlightened countries of Europe, and though during the two

following centuries its rate of development fell behind that of the other countries of central and western Europe, it was still in 1750, in point of size and population, one of the great powers. Contemporary opinion was more affected by the material aspects of this colossal act of expropriation, as was perhaps natural in the eighteenth century, and it is only after the lapse of years and in full view of the rivers of blood and the oceans of misery that it has entailed that the extent of its folly and immorality has been properly grasped. The fact that the ultimate undoing of Poland, and that this undoing would take the form of dismemberment, had been realized fully a hundred years before it actually took place, and had been prophesied by Poles themselves, from the king downwards, as inevitable unless the constitution were drastically reformed, availed neither to prevent it nor to render it more palatable or less ruinous to the unfortunate victims.

In his opening chapter Lord Eversley lucidly describes the internal causes which facilitated the eventual disruption: the unwieldy size of the territory, its lack of naturally defensible frontiers, its restricted access to the coast, its large alien peasant and citizen population of Jews, Germans, Little Russians (Ruthenians), White Russians, Lithuanians and Letts (though his indications as to the ethnography of Lithuania are likely to create misconceptions), and above all the incredibly fantastic provisions of the constitution, which, in the words of Lelewel, quoted by Mr. Ninian Hill, 'stopped the working of the machine, but assured its existence'. The existence of a machine which has stopped working is, however, necessarily of short duration, and the persistent refusal of the Polish nobles, ever consumed by a jealous passion for equality amongst the numerous members of their aristocratic caste, to submit to any curtailment whatever of any of their privileges brought the state into a condition of stagnation which could only end in dissolution. Both from its geographical position and from the weakness of its internal structure the ultimate fall of Poland was probably inevitable, but it was assured and hastened by the cunning of the rulers of the neighbouring states, who in their own interests hindered the introduction of reforms just as obstinately as the Polish nobles themselves; it would indeed have needed a stronger vessel than Stanislas Augustus Poniatowski to float down stream and remain unbroken when surrounded by such brazen pots as Frederick, Catherine, and Maria Theresa. It is all very well to say now that Russia would have done better to keep Poland as a buffer-state between itself and the Germanic powers, but in those days necessity had not invented buffers, and Catherine was out for money and acres. The economic aspect of the whole affair is perhaps not sufficiently emphasized by the author, nor the quite intelligible though extremely regrettable jealousy of the more remote, powerful, and numerous but less civilized Slav-Russian of the more western and more civilized Slav-Pole, a jealousy which has embittered the relations between Russians and Poles, from the very beginning, and is enough by itself to show the absurdity and impossibility of any scheme of Pan-Slavism. Lord Eversley's book is especially valuable for the clear way in which it exposes the intrigues of Frederick and Catherine for the subversion of Poland, and for the light it throws

on the general political situation in Europe during the second half of the eighteenth century as affecting the Polish question. The development of affairs in France bore directly on Poland's fate. In 1791 Poland, sobered by the shock of the first partition in 1772 and still possessed of vast territories, made a determined effort to reform itself and set its house in order in scarcely less revolutionary manner than the French. This so alarmed its neighbours that they resolved forthwith to put an end to the intolerable Polish anarchy themselves under the cloak of ensuring better conditions for their co-nationals and co-religionists on Polish soil. At the same time by dividing the whole country amongst themselves a repetition of the French revolution under the very noses of the three greatest European autocrats was rendered impossible. In some ways the fate of Poland resembles that of Turkey; thus the Young Turk revolution of July 1908 was swiftly and surely followed by the Balkan war of 1912. The cloak of Christianity and the zeal of altruism cover a multitude of aims. Lord Eversley's book deals in considerable detail with the period of the three partitions, but covers the ground of the nineteenth century more rapidly. The complications of the whole question are made plain by a series of excellent coloured maps. The book is neither too long nor too full of detail, and brings an explanation of the causes of the Polish trouble within reach of every one in this country. For a book on a Slavonic subject there are comparatively few errors of orthography, though such forms as 'Zaioneszk' (for Zajoncze), 'Suboff' (for Zubov), and 'Suwarrow' (for Suvorov), are really inexcusable at the present day.

Mr. Hill's *multum in parvo* is a courageous and creditable performance. He not only gives a short and quite good summary of Polish history, but includes a most vivid description of contemporary Poland, its three capitals, Warsaw, Cracow, and Posen, and a clear account of the various Polish problems in their present-day aspect. The style of the book is irritating, being both pretentious and trivial, and the author has a quaint habit of quoting from *The Times* when any final verdict is needed. There are several errors which make one doubt whether the author knows any Polish, and such amazing statements as the following: 'The Polish language does not differ more from Ruthene than do both from Hungarian, although all are alike classed Slavonic', make it clear that he has neither authority nor competence to pass any serious judgement on ethnical or linguistic matters. Still, the book is distinctly to be recommended to any one who wants a passing acquaintance with the Polish question; it is amply supplied with excellent illustrations, as well as a map, an index, and a chronological table.

NEVILL FORBES.

Private Papers of George, second Earl Spencer. Edited by JULIAN S. CORBETT, LL.M. 2 vols. (Navy Records Society, 1913, 1914.)

SHORTLY before his death, the fifth Earl Spencer, first president of the Navy Records Society, left to it a mass of papers belonging to his grandfather, who was First Lord of the Admiralty in the Pitt administration during the years 1794-1801. They consist mainly of his unofficial

correspondence, which, of course, is often more illuminating than official dispatches. It comprises correspondence with Pitt, Dundas, Windham, &c., besides others on strictly naval matters. As is well known, Spencer came in with the Portland Whigs in July 1794, first as Privy Seal, but in December became First Lord of the Admiralty, after the virtually enforced resignation of Lord Chatham. As Mr. Corbett points out in his introduction, the crisis was extremely grave; and it revealed the defects of the British administration. The pluralist Dundas and the 'late' Lord Chatham clogged the operations at a time when speed and concentration of energy were essential. Something, however, might have been said in the introduction in praise of Pitt for insisting on the withdrawal of the Duke of York from the command in Flanders, and of Chatham from the Admiralty. True, he created for Dundas a new office, that of Secretary of State for War, and merely added Windham in the subordinate position of Secretary at War (the distinction is not clearly enough pointed out in this introduction, p. xv); but that arrangement was due partly to personal and party claims, partly also to the old notion that the Secretaries of State (previously almost always two in number) exercised wide powers of supervision. The system was a bad one; but it is the English way to let things evolve slowly from an inchoate to a more logical arrangement. Fortunately, at the Admiralty, Spencer had a freer hand, and already that able and determined administrator Middleton (afterwards Lord Barham) had introduced system and economy, as appeared in the work, *The Letters of Lord Barham* (Navy Records Society, 1906-10), which on that subject is more informing than the present volumes.

Spencer's correspondence deals almost entirely with naval operations, and the first considerable batch of letters refers to the ill-fated Quiberon expedition of 1795. They are somewhat disappointing, for they do not throw light on the dark places of that enterprise. At this point the editor's special introduction is open to criticism. It relies too much on memoirs of Puisaye, especially as the judgement of Sir John Borlase Warren (i, p. 104) impugns both the good faith and courage of that officer. Other French sources are followed too implicitly, and Mr. Corbett even mentions without criticism the rumour that Hervilly, commanding the Anglo-French troops, would not advance inland, and that 'Charette and the other royalist leaders [in the west of France] were induced to keep inactive or to believe themselves betrayed'. The facts were (as I have shown in my *Pitt and Napoleon, Essays and Letters*, pp. 42-50) that, by some mistake or misunderstanding at London, Puisaye and Hervilly had been appointed to co-ordinate commands which led to constant friction; and because Puisaye wanted to press on inland, Hervilly refused. Also, Pitt had sent Baron Nantiat to endeavour to move Charette from his obstinate inaction, but it was Charette's distrust of Puisaye which kept him inactive, and thus ruined the chances of the expedition. Mr. Corbett even mentions the rumour that Pitt was seeking 'to capture the counter-revolution in concert with Tallien'. It was surely needless to notice that slander of the *émigrés*. Further, it should have been shown that the delay in the arrival of the 3,000 British cavalry from Hanover was due to the persistent refusal of George III to leave his electorate uncovered. Warren's dis-

patches from Quiberon after the disaster of 21 July are less detailed than that which I quoted (*op. cit.*, pp. 54-5) from the Admiralty Records, Channel Fleet, 105, which shows clearly the value of the services rendered by Warren's ships, and refutes the slander that the British force sought the destruction of the *émigrés*. The disaster clearly resulted from their acute divisions and their absurd dispositions after the landing.¹ The failure of the second expedition, commanded by the Comte d'Artois, also called for some explanation. There again the letters published in vol. i prove that Warren's squadron did much towards staving off the collapse which the cowardice of Artois and the follies of his officers rendered inevitable. The details printed on p. 114 show that the position of the Anglo-French force in the Île d'Yeu was not necessarily hopeless; but with Artois (and Madame Polastron) any position was hopeless.

Mr. Corbett has evidently found more interest in the wider operations of the war, those in the West Indies, the Mediterranean, and the North Sea. With regard to the first, he parts company from Mr. Fortescue in so far as not wholly to condemn the West Indian expedition. He points out that the servile revolts in Hayti and other islands compelled our government to take steps to save the British West Indies. Further, it might have been shown that the offer of Charmilly and other French delegates from Hayti to put that very valuable possession in our hands could not be passed over. It was not a question of conquering all the French islands, but rather of occupying Hayti and waiting until the others fell through internal anarchy. That, at least, was to be expected; and, though mismanagement out there and yellow fever dashed those hopes, the authorities at home cannot be blamed for seeking to realize them. And what was to be done about the British trade with those islands? The list of 160 British merchantmen captured in those waters in the year 1795 reveals the value of our West India interests (vol. i, pp. 251-4).

Dundas's letters to Spencer, protesting against the abandonment of the Mediterranean in the autumn of 1796, tend to repair his reputation, recently somewhat torn by controversy. They show that he possessed strategic insight and faith in the naval power of Great Britain; and it must never be forgotten that he pleaded for the British expedition to Egypt, when the king and his colleagues opposed it. As an instance of Spencer's careful examination of evidence are his notes (vol. i, *ad fin.*) on the reasons for the failure of the British squadrons to intercept Hoche's expedition to Ireland. It is difficult to apportion the blame, if blame there is. Other points of interest are the papers on the battle of St. Vincent, with one entitled, 'Commodore Nelson's Receipt (*sic*) for making a true Olla Podrida'.

The papers on the mutinies of 1797 do not add much to the materials carefully compiled and sifted by Mr. Conrad Gill in his work, *The Naval Mutinies of 1797*, which showed the reality of the men's grievances. The most interesting of the new documents is the 'Declaration of Richard Parker' (vol. ii, pp. 160-73). Parker solemnly denied that the mutiny was due to political malcontents on shore; but neither these papers nor

¹ Hervilly's death-bed confession, accepting responsibility for the disaster, is in the British Museum Add. MS. 8079.

the evidence collected by Mr. Gill solves the mystery of 'the gentleman in a black coat' who brought the mutineers money. There are also papers of unequal interest dealing with the battle of Camperdown and the invasion schemes of 1797-8. A long memorandum by Dundas on the latter topic suggests *inter alia* efforts against the French coast (Dunkirk, Boulogne, Havre, and the Île de Rhé being singled out). The aim was 'to keep alive the spirit of enterprise', kindled by the recent naval victories of 1797. Spencer's letter of 6 April 1798 to Lord Grenville shows the difficulties in the way of sending a British fleet to the Mediterranean; but Pitt (with a courage to which sufficient justice is not done in the introduction, vol. ii, pp. 425-7) resolved to take the responsibility; and he, even more than Earl St. Vincent, deserves the credit for the enterprise, which made possible the victory of the Nile and the recovery of Egypt. A good letter near the end is that of Captain Troubridge of H.M.S. *Culloden*, recounting the grounding of his ship on the Aboukir shoal on 1 August 1798, and the condition of the French after the destruction of their fleet.

J. HOLLAND ROSE.

A Commentary to the Germanic Laws and Mediaeval Documents. By LEO WIENER, Professor of Slavic Languages and Literatures at Harvard University. (Cambridge, Massachusetts: Harvard University Press, 1915).

THE author of this book holds that the survivals of primitive Germanic law and custom which scholars have found in the codes of the Franks and other Germanic peoples have no real existence. According to him, the condition of the Germans before their contact with the Romans finds a close parallel in the condition of the North American Indians before the coming of the white man. Just as certain Indian tribes have lived for generations under systems of law which they have come to regard as of native growth, but which were really devised by agents of the United States government, so the German tribes of the Roman empire owed the whole of their polity and jurisprudence to the teaching or example of their civilized masters. To the objection that the Germanic languages contain many terms denoting legal processes and many titles of officials and dignitaries that are obviously of native etymology, Professor Wiener replies by denying the fact. The accepted system of Germanic philology, he says, is a delusion, and must give place to a wholly new fabric, built on another and a better foundation.

Now Germanic philology, like other sciences, contains many things which to uninstructed common sense appear paradoxical; and there are not a few historical students who, when their plausible conjectures are condemned on philological grounds, are accustomed to proclaim their utter disbelief in philology as a science. These unbelievers will joyfully welcome Professor Wiener's declaration that the orthodox philology is a tissue of baseless fancies, and will take up his book with the hope of finding that what he has to put in its place is more reasonable. They will certainly meet with some startling surprises. They will find themselves expected to believe that a large number of the commonest words in English

and German, which have hitherto been supposed to descend from the primitive Germanic vocabulary, are really derived (by extraordinary processes, in which 'back-formation' plays an important part) from late Latin official titles and terms of law. Thus (to confine our examples to words surviving in modern English), *shall* comes from *scutarius*; the verb *say* from *sociare*; *talk* from *indulgere*; *thing* from *ducenarius*; *trust* from *extrudere*; and *food* from *veredus* (a post-horse). *Fee* (Old English *feoh*, cattle, money, German *Vieh*, cattle, Gothic *faihu* property) has no kinship with the Latin *pecu*, but is a corruption of *fiscus*. Each of the Latin words mentioned has, besides these, a number of other derivatives in Gothic, German, Old English, and Scandinavian; and several more late Latin words of the same class have been equally prolific on Germanic soil; and on Celtic soil also, for *decanus* is not only the parent of the Old English *þegn*, a thane, but also of the Welsh *dyn*, Irish *daoine*, a man; and the Welsh *tud*, Irish *tuath*, a people, as well as the equivalent Gothic *þiuda*, Old English *þeod* (and also the Old English *þeow*, a slave) are derived from *devotus*. Not content with these splendid achievements, the author promises that in a second volume he 'will discuss the more than two hundred words of Arabic origin in the Gothic Bible and in all the Germanic languages'. There will not be much left of 'Primitive Germanic' when Professor Wiener has worked his will upon it. It will be seen that the new philology offers abundance of romantic interest; but the sceptics who stumble at the improbabilities of the orthodox doctrine will be likely to find this particular heresy even more unbelievable.

Professor Wiener denies that Wulfila translated the Bible, and asserts that the existing Gothic version cannot have been produced before the end of the eighth century. He is clever in picking holes in the external evidence for the received view; but as his own theory rests solely on the alleged fact that the Gothic vocabulary is mainly a mixture of medieval law-Latin and Arabic, it is needless to criticize it.

It is right to say that Professor Wiener has a remarkable knowledge of many languages, and that his enormous mass of documentary quotations may be found useful, though his inferences from them are worthless. The book is dedicated to the President of Harvard, 'who has encouraged me in my labour of research'. The get-up of the volume is highly creditable to the Harvard University Press; we wish it were possible to add that its substance is a credit to Harvard University.

HENRY BRADLEY.

The Law of Associations, Corporate and Unincorporate. By HERBERT A. SMITH. (Oxford: Clarendon Press, 1914.)

THIS volume will be of value to many beyond the circle of professional students. The nature of the group-life which exists in such variety in the modern state is more and more a topic of interest. Political doctrines of the most wide-reaching character are being formulated which depend ultimately on a particular view of the group-entity. With such doctrines it is not possible to deal in a purely historical review. Moreover, to a large extent Mr. Smith ignores or leaves aside those topics.

In his chapter on theoretical questions his object is not to decide the problem of personality, but rather to argue that from the legal and practical point of view it may be treated as irrelevant. This conclusion, however, is not borne out by the facts marshalled in the main body of Mr. Smith's work. Therein he points out more than once the unhappy state in which we have been landed by the fiction-theory of the corporation. The evil of this is not that it allows personality to the group, but that it treats such a personality as a pure fiction due to legal convenience. Consequently corporate personality is a *cachet*, which may be given or withheld at pleasure by the sovereign. The result of this is seen in that many associations which really are corporate groups are not treated as such by the law; and that certain unfair restrictions have often attached to corporate bodies. All this is pointed out by Mr. Smith with admirable lucidity. His work leaves little to be desired as a statement of the actual legal situation, and it contains also some acute criticism. Moreover, it is set forth in a readable style, commendably free from technicalities. This book will doubtless find a wide circle of readers. Its especial value consists in its inclusion of all kinds of association, corporate and unincorporate. Gierke's work on *Die Genossenschaftstheorie* is the nearest thing to it; but the object of that is rather polemical than informative.

As might be expected, Mr. Smith has a good deal to say on the topic of the 'Free Church of Scotland Case'. *À propos* of this he lays down principles of very wide application:

The true solution would seem to be that in the case of a religious community having a doctrinal basis, the State Courts should altogether refrain from endeavouring to define those doctrines. But in ascertaining what the doctrines are the secular judge should be content to accept the ruling of whatever is the authoritative organ of the tribunal in question. In other words the civil court should treat the decision of the ecclesiastical tribunal upon such a matter with the same respect as it treats the judgment of a foreign court upon a question properly within a foreign jurisdiction. This would leave it open to the secular judge to inquire whether the proper and normal procedure had been followed, and to see in short whether there was any irregularity apparent on the face of the proceedings. But if everything is *prima facie* in order the civil court should accept the ecclesiastical ruling upon a doctrinal point as the judgment of a foreign or domestic tribunal acting properly within its jurisdiction. Otherwise we are inevitably landed in great difficulties; and these difficulties are not merely technical.

I agree with Mr. Smith that

it cannot be said that the law on this subject is in a satisfactory state, and until a rule resting upon some clear principle is laid down by Parliament the law must be regarded as uncertain in its doctrine and likely to prove harsh in its practical application.

It is noteworthy that one anomaly of our present system which Mr. Smith points out has become a matter of serious difficulty owing to the war. The nationality of a corporation is that of the 'country from which it derives its personality, and, as in the case of domicile, this is quite independent of the nationality of the individual members'. The danger of this has been remarked in recent cases. But the remedy is to be sought in some special legislation, not, as some appear to think, in denying the legal personality of the group.

In an appendix Mr. Herbert Smith argues skilfully against the view, held by Maitland and others, that the 'fiction theory' of corporate personality was first of all promulgated by Pope Innocent IV. His argument, though ingenious, is unconvincing. Innocent's statement that the personality of a corporation was a *nomen iuris* seems to contain the whole essence of the theory, which indeed was inevitably developed out of the heritage of the civil law. Some, however, will perhaps agree with the author that too much use has been made of Innocent's name in his matter.

The volume, as a whole, despite its subject, is of the highest interest, and it is to be hoped that it will be carefully considered. The historical part is well done.

J. NEVILLE FIGGIS.

Catalogue of Ancient Deeds, vol. vi. (London: His Majesty's Stationery Office, 1915.)

THIS volume deals with Nos. 3765 to 8060 of the C series—that is, of deeds from the Chancery. The work of cataloguing these deeds has been executed in most scholarly fashion, and the index of nearly two hundred pages is admirable. The deeds, as a whole, are of less interest than those, especially of the A series, in some of the earlier volumes, but for the details of topographical and of family history their evidence is frequently of value. In the useful 'Index of Subjects' there is an entry for wills, but the genealogist might be grateful if there were one for marriage indentures, as the deeds afford, in many cases, valuable proof of marriage at a fairly early date. Special prominence is given in this index to peculiar Christian names and to the origin of surnames. The singular name 'Creature', which is found in a will of 1551, is that which was borne by a child who had been baptized by a midwife.

Here and there one notes a deed of early date and of possible historical interest. For instance, a Devon charter here confirmed (C 4092) takes us back to the days of Stephen, if not of Henry I, and shows us a man of native origin, Henry, son of Alwold, whose grant to Barnstaple priory is witnessed by a Mandeville, a Champernowne, a Raleigh, two Carterets, and, above all, by 'Stephen the Fleming and Erchembald and Robert his sons'. I have dealt with this Stephen and his father Erchembald in my paper on 'Bernard the King's Scribe',¹ and the alternation of the Christian names is carried on by Giraldus Cambrensis, when he writes:

Militem quoque in Anglia vidimus ex Devoniae finibus oriundum, cui nomen Erchembaldus . . . Erchembaldi quoque filium vidimus, cui nomen Stephanus (*It. Camb.* vi. 131-2).

As for Alwold, father of Henry, he is clearly that Alwold who is found in Domesday holding under Tetbald, son of Berner, at 'Wesford' and 'Dertre', where are the lands dealt with in this deed, at one of which places he had himself been the holder, T.R.E. Again, in C 5495 we have a Lancashire document of the reign of Richard I, unknown even to Mr. Farrer. The correlative entry in the *Testa* (402 a) gives the 'Holes'

¹ *Ante*, xiv. 422.

of this deed as 'Hole', which supports the view that it is Hoole in Lancashire, not Holles in Nottinghamshire, as here identified. A considerable number of deeds relative to Cheshire and to Wales take us into districts for which information is usually hard to procure.

There is a queer-looking deed of 27 Edward I (C 5961) in which Thomas Giffard, of Stoke-by-Nayland (where 'Giffard's Hall' still stands), grants to a Cavendish 'all his corn, beasts, fowls, dogs, cats and mice [*sic*] and other goods in his messuage at Wherstead and elsewhere in the county' (of Suffolk). The grant (C 6862) by Richard, earl of Cornwall, to Sir Odo de Treverbyn that his borough of Porbichan (Porthpean in St. Austell) should be a free borough, belongs to an interesting class of documents, and the great problem of enclosures is recalled by an indenture of 1547 (C 7674), in which John 'Coope' of Canons Ashby grants pasture in Hodnell and Ascote to the vendor who had sold him the manors. For this John was a son of the William 'Coope' who had depopulated Wormleighton before selling it to John Spencer, who had depopulated Hodnell.² Of social interest is the receipt for £12 10s. 'for release from knighthood of the Bath at the marriage' of Arthur, son of Henry VII, in 1501. 'John Ormond, gentleman,' who paid to escape the honour, was, evidently, identical with 'John Ormond, esquire', who appears on the same page as the son-in-law of Sir William Chaworth and the prospective father-in-law of Anthony Babington (great-grandfather of the conspirator), in 1498. It may have been to the attainder of 1586 that we owe the presence in this volume of several Babington deeds. One is glad to see that all heraldic seals are here carefully noted.

J. H. ROUND.

Archaeologia Aeliana. Published by the Society of Antiquaries of Newcastle-upon-Tyne, and edited by R. BLAIR. Third series, Vols. XI and XII. 1914-15.

EXCEPT for a word or two in the preface of vol. xii as to labour conditions at Corbridge, and except for the expulsion of two enemy societies from the comity of antiquarianism, there is no trace of the war in the steady and valuable output of the *Archaeologia Aeliana*. In volume xi neither of the 'serials' is specially important. The fifth instalment of Dr. Greenwell's catalogue of seals is, as usual, fully, but rather confusingly, illustrated; it contains no names more important than Seton, Tyndall, and Wolviston. Under no. 2151 is figured a curious substitute for a seal, 'a broken knife with horn handle, attached by a knotted strip of vellum.' At Corbridge there was some further investigation of Dere Street, and of a large building, apparently a granary; to the account of this Mr. Knowles appends a chapter on various architectural fragments from the site, including some which are preserved at Hexham.

Mr. C. T. Trechman's long (pp. 119-76) and highly scientific account of 'Prehistoric Burials in the County of Durham' is the most important contribution; it is compiled mainly from notes communicated by the highest authority on the subject, Dr. Greenwell, and is elaborately illustrated by plans and photographs of urns, &c. He shows how numerous

² See *The Domesday of Enclosures*, ed. Leadam.

are the burials of the Neolithic period in places not specially remarkable for prehistoric remains. Mr. J. C. Hodgson's catalogue of Newcastle goldsmiths will be of great value to collectors of plate. The other two papers are more popular, but none the less interesting. Miss M. H. Dodds ranges over 'The Northern Stage' from the Corpus Christi players to Kemble and Macready; and the Rev. J. F. Hodgson's dissertation on two ecclesiastical effigies (at Ryton and Barnard Castle) brings him to 'an examination of the subject of deacons and archdeacons, their respective offices, vestments, and positions', and the general question of portraiture in monumental effigies, which is discussed with unusual common sense and knowledge.

The twelfth volume does not contain anything exciting; but the work is on quite a high level throughout. Dr. Greenwell's Catalogue consists this time of a part complete in itself, Scottish Private Seals, with six more handsome plates: the principal names are Douglas and Dunbar. At Corstopitum neither of the two 'reserved areas', being on the outskirts of the town, yielded much of interest; and Mr. Craster and Professor Haverfield have consequently had space for a descriptive list of silver coins, some of special interest, and an important and laborious 'Conspetus of Potters' Stamps on plain Samian ware found at Corbridge, 1906-14'. Mr. Haverfield has also described two altars, one from Vindolana or Vindolanda (Westerholm), the other from near High Rochester. There are figures of an inscribed tile, which appears to be part of a copy-book, and a set of bone pan-pipes. The minor papers are a list of the abbots of Newminster, an illustrated description of the remains of Newburn Hall, and a fourth instalment of 'local muniments', part of a collection recently given to the society, seldom of more than local or genealogical interest. More important is Miss M. Hope Dodds's very full and thoughtful account of the boroughs in the city or county of Durham which were directly dependent on the bishop, in which she traces clearly their origin from the time of the Norman bishops, with special reference to Hugh Puiset, and shows how their development in the *enclave* of the Palatinate differed from that of the royal boroughs elsewhere. The paper is well annotated with references; and incidentally clears up some errors, e. g. in the explanations of *Dunelina* (p. 112) and *Warnemouth* (p. 116).

H. E. D. BLAKISTON.

Short Notices

IN his periodical bulletin to the British Academy on *Roman Britain in 1914* (London: Milford, 1915) Professor Haverfield fills the rôle of reporter more than that of critic. The finds and inscriptions, occupying thirty-one sections, are of minor note, and the same remark applies to the fifty-four publications noticed in review. Two very interesting notes are (1) on a broken tile from Corbridge, the inscription on which, '*Lege feliciter*', happily identifies it as a reading lesson; and (2) on the reconstituted epithet, *AVGVSTO (p)ERP(etuo)*, on a milestone at Hangingshaw near Appleby, applicable—the earliest example—to the Emperor Philip.

G. N.

Dr. T. E. Dowling and Mr. E. W. Fletcher have written an excellent little book on *Hellenism in England* (London: Faith Press, 1915), to which M. Gennadius, the Greek minister, has contributed a learned introduction. This work does for the Greek community in England what Velouides did for the Greek colony in Venice, giving an account of the principal Greek residents in our country from the earliest times down to the present day (notably Theodore, the Greek archbishop of Canterbury), describing the Greek churches in London, Manchester, and Liverpool, and relating the scheme for converting Gloucester Hall (now Worcester College), Oxford, into a place of education for Greeks in the seventeenth century. The book might be considerably enlarged; for example, there is no mention of the visit of the emperor Manuel II to England in 1400-1, or of the Athenian George Branâs, who flourished about 1485, and was bishop of Dromore and Elphin. But M. Gennadius leads us to hope that one day he may give us the full fruits of his long research and great knowledge, personal and bibliographical, of this subject.

W. M.

Among recent editions of *Beowulf*, that by Mr. R. W. Chambers (Cambridge: University Press, 1914) may be recommended to the notice of students of history. On the basis of the edition prepared by Mr. A. J. Wyatt twenty years ago, Mr. Chambers has produced a most scholarly work, in which the text, the index of persons and places, and the glossary have undergone a careful revision, while the introduction and notes are practically new. The introduction gives a full account of the manuscript and of Thorkelin's transcripts (with several facsimiles), and the notes deal fully with the many difficulties of the text. The parts which chiefly concern the historian—the genealogical tables and the index—exhibit

various improvements; doubtful points are treated lightly and with commendable caution. The chief defect of the book is the total want of any summary of the story; even the brief 'Argument' of the original edition has disappeared.

W. A. C.

Some interesting points of contact between older British and Scandinavian history are dealt with by Dr. Alexander Bugge in *Smaa Bidrag til Norges Historie paa 1000-Tallet* (Christiania: Dybwad, 1914), the matters discussed being the claims of Magnus the Good to the kingship of England, the circumstances of the death of Magnus, and the western expeditions of Magnus Barelegs. The latter section is the longest of the three and contains much that is of interest. With regard to the claims of Magnus, Dr. Bugge appears not to have noticed that the 'Translation of St. Mildred', to which he draws special attention, has already been cited in this connexion by Mr. Plummer (*Saxon Chron.* ii. 222-3). As to the death of Magnus, it seems hazardous to set aside (as Dr. Bugge proposes to do) the accounts of the Icelandic saga-writers in favour of a statement in a single Danish chronicle, which may after all have been derived from the legend of Edward the Confessor. Two other short articles included in the work deal with the joint kingship of Magnus and Harald, and the problem of Harald's marriages.

W. A. C.

The *Church Quarterly Review* for October (no. 161) contains a valuable article by Dr. J. Armitage Robinson, dean of Wells, on the early history of the convocation of Canterbury. While the *provinciale concilium* is attested in 1175, it is not until 1257 that *convocatio* is used as a technical term for a representative assembly of the whole of the clergy of the province, and *congregatio* often takes its place. Only from the second half of the fourteenth century do we find *convocatio* and *concilium* employed as equivalents. The mode of summons and the working of the *praemunientes* clause are examined with great care, and the whole paper throws a welcome light on a difficult subject.

H.

In the first two volumes of *Le Opere di Ferreto de' Ferreti*, edited by Count Carlo Cipolla (*Fonti per la Storia d'Italia*) (Rome: Sede dell'Istituto Storico Italiano, 1908, 1914), the *Historia* of Ferreto is completed, and to this is added an interesting and apparently isolated *Fragmentum* (1259-81) relating to Raimundo della Turre, patriarch of Aquileia. The notes add great value to this excellent edition. In an appendix to vol. ii, the editor gives readings from the extracts of Ferreto's *History* comprised in the Vatican MS., Ottoboniano Latino 2073, of the close of the fourteenth century, which he had been unable to utilize for vol. i. A useful note deals with recent bibliography on the much debated question of the character of Boniface VIII. Two facsimiles from the manuscripts are given in each volume. The preface, which will include a full account of the value of the manuscripts and their mutual relation, is deferred until after the publication of the text of the *Carmen* and Ferreto's minor writings.

E. A.

The first volume (1377-87) of the *Calendar of Close Rolls* of the reign of Richard II (London: H.M. Stationery Office, 1914) follows the completion of the calendar of patent rolls for that reign after an interval of five years. Though there are certain advantages in the concurrent publication of the twin series, the delay may be justified on the ground that it has made possible the utilization of the long experience of Mr. W. H. B. Bird and Mr. C. T. Flower on the corresponding calendar of Edward III's reign, finished in 1913. Mr. Flower's index to the new volume is, as before, to a large extent one of subjects as well as of names. It is admirably full and accurate, but it may be doubted whether any index can be perfect, and a hole can be picked here and there in this. Several entries relating to 'gavelkind' tenure are overlooked, and only one of the two passages (pp. 322, 472) concerning the exemption of Cheshire from parliamentary taxation is noted. The 'Soldan de Latrave' should, if we are not mistaken, be 'Soldan (or rather Soudan) de La Trau'. The historian of the reign of Richard II cannot expect to obtain as much direct light from the Close as from the Patent Rolls, and the best of what there is has long been accessible in the *Foedera*. A very considerable proportion of the 530 pages of the calendar is taken up with writs of *supersedeas*, orders to royal escheators, and the like private and routine business. Little light is thrown upon the Peasants' Revolt (though the accounts of the York disturbances are important) and Wycliffe is not even mentioned. There is mention, however, of loans by Lombards to Richard 'in his need' and additional details for the story of the count of Denia and for the murder of a Genoese merchant by Londoners, jealous of his plans for the development of Southampton, which attracted the notice of Walsingham. It appears that his name was Janus Imperialis, and he is described as ambassador and syndic of the duke and commons of Genoa. J. T.

In his *Testamento dello Infante D. Pietro d'Aragona, 1436* (Palermo: Scuola Tip. 'Boccone del Povero', 1914), Cavaliere Giuseppe La Mantia, librarian of the Società Siciliana per la Storia Patria, throws an interesting sidelight upon the struggle for Naples which ended in the union of the two Sicilies under Alfonso of Aragon. Peter was the younger brother of the conqueror of Naples, and from the age of thirteen he took an active part in the war. He met his death at the siege of Naples in 1438, struck down by artillery fire on the Piazza del Carmine, the place of execution of the ill-starred Conradin of Suabia. The will published here dates from 1436, but it was not discovered, apparently, at the time of Peter's death, as Alfonso himself stated that his brother died *absque liberis atque ab intestato*. Nevertheless, it was consulted by the treasury officials in 1460, and in 1487 a copy of the original was made at their request. The chief interest in the document lies in the picture which it gives of the splendid surroundings of the Aragonese prince, and of his regal munificence. His lands were left to Alfonso, in token of the *dilectionem fraternalem, ymmo paternam* which he had always shown towards him, and a considerable sum was devoted to charitable purposes. Besides, no less than 108 persons received sums varying from one thousand to twenty florins. Peter's captains and

castellans, the members of his household, his servants male and female, were all remembered ; and at the conclusion of this long list of bequests the testator expressed his regret at being unable to reward his followers adequately, begging his brother to make good his deficiencies especially in the case of those who ' sailed with us from Spain to this Sicilian Kingdom '. Such was the last testament of the warm-hearted, splendour-loving prince who shed tears at the news of the death of his opponent, Braccio da Montone, and whose death seemed to Alfonso the worst injury that he had suffered at the hands of the Neapolitans.

In another paper entitled *Una Consuetudine giuridica antica di S. Pietro sopra Patti, 1482* (Palermo : Scuola Tip. 'Boccone del Povero', 1914) Dr. La Mantia deals with the customs of the little Sicilian commune of S. Pietro sopra Patti. Here he shows the royal authority intervening in the interests of the commune against those of the baronage. The ancient right of the burgesses of S. Pietro to sell land without the consent of the feudal suzerain is upheld by the viceroy in the face of the protests of Berengario de Orioles, lord of the commune. C. M. A.

Cavaliere Giuseppe dalla Santa's interesting pamphlet on *Benedetto Soranzo e Girolamo Riario, una Pagina nuova della Guerra di Ferrara (1482-4)* in the *Archivio Veneto* for 1914 (N. S. xiv), deals with an episode in the war of Ferrara, when Sixtus IV, having joined with Venice in order to spoil Ercole d'Este of his inheritance, changed sides in the midst of the war, leaving Venice almost alone in the face of a hostile combination of all the chief Italian powers. The letters which Cavaliere dalla Santa has discovered in the Archives of the Council of Ten show that Venice first sought relief from her embarrassments by making overtures to the papacy, and that she employed as her agent Benedetto Soranzo, a Venetian noble who had won the favour of the papal nephew Girolamo Riario in the course of his sojourn in Rome. Soranzo held the benefice of S. Apollinare Nuovo at Ravenna, and in the summer of 1483 he received orders to proceed at once to Ravenna, as a post of vantage from whence to conduct negotiations with the lord of Forlì. The whole transaction was carried on by characteristically Venetian methods. Soranzo reported the result of his interviews with Riario in private letters to his two brothers ; they laid their contents before the Council of Ten, and the Council drafted the replies sent by the Soranzo brothers to the absent Benedetto. At first all went well. Riario met Soranzo in a most friendly spirit, and the latter was able to show that, in the event of Sixtus IV's death, an alliance with Venice would prove of real value to Riario in Romagna. But, as Benedetto himself wrote, ' vuol la fortuna che quando gli homini el crede haver per el capo, i non l'hanno per la coda '. In the end Riario told Soranzo that the pope had no desire for peace, and Venice turned in despair to Milan to enter upon the negotiations which brought about the peace of Bagnolo. For Soranzo, however, the episode did not end here. Before the peace was signed Sixtus IV made him archbishop of Cyprus, and by so doing aroused the suspicions of Venice. Benedetto was brought before the Council of Ten on the charge of betraying the secrets of the republic to Riario and the pope. He succeeded in establishing his innocence, and the republic exerted

itself to place him in possession of the temporalities of the see, by way of amends. The archbishop contrived to evade all injunctions to visit his diocese, but he failed to obtain the cardinal's hat for which his indefatigable brothers worked up to the day of his death.

C. M. A.

Mr. J. B. Black's essay on *Elizabeth and Henry IV* (Oxford: Blackwell, 1914) is a painstaking survey of the relations between those two monarchs, based in part upon the foreign correspondence in the Record Office and the Bibliothèque Nationale. The most interesting section is that which deals with Anglo-French commercial relations after the peace of Vervins, and it indicates how little the fundamental difficulties of contraband have changed during the last three centuries. The narrative of the English operations in the field is somewhat slight, and Mr. Black's statements occasionally need qualification and his style a little pruning. The Spanish raid on Penzance in 1596 hardly bears out his assertion (p. 8) that Philip's failure in 1588 had proved that 'our shores were inviolable'; and if 'Spanish ships, it was observed, carried *the tricolour* in order to cover their cargoes' (p. 150) the observers must have had a remarkable vision of the future. On the same page we are told that 'the atmosphere was full of Armadas', in which case not only the French Revolution but Zeppelins must have been anticipated in 1598.

A. F. P.

Professor H. J. Ford has done useful work in devoting a systematic treatise to the important subject of *The Scotch-Irish in America* (Princeton, N.J.: University Press, 1915). The opening chapters on 'The Ulster Plantation', 'The Land and the People', 'Scotch Migration to Ulster', and 'Formative Influences' are very interesting; but it is disappointing to find that, when Mr. Ford reaches the subject of the emigration to America, he ceases to remain in close touch with the economic conditions in Ireland which explained its character and its volume. The account of the various presbyterian settlements is most careful and detailed, and the book as a whole is to be warmly commended; but what is Mr. Ford's authority for the astonishing statement that 'the plan was that he (Burgoyne) should move southward to the Hudson, and in co-operation with General Clinton, stationed in New York, and General Howe, stationed in Philadelphia, hold the line of the Hudson'? After this we are not surprised to learn that Burgoyne, during the American retreat from Ticonderoga, 'inflicted upon them crushing defeats, the remnants that escaped fleeing in the direction of Albany'; or that, when 'affairs seemed in a desperate state' for the Americans, they were only retrieved by the American victory at Bennington.

H. E. E.

In *Elizabeth Hooton, first Quaker Woman Preacher (1600-72)* (London: Headley, 1914), the story of an heroic old woman and her sufferings for conscience' sake is told by Mrs. Manners in seventy-five pages of skilful biography. The greater part is drawn from her own very racy letters and papers; and a vivid picture is given of the troubles of the early Friends in England, and the far worse fate which awaited them

from the Puritans of New England. Mrs. Hooton's witness to her beliefs was ardent from the day when she first met George Fox, and she was constantly in prison for interrupting services in church, and for other forms of protest. When widowhood set her free to leave her farm in her son's hands, being then over sixty years old, she began her visits to America, and her experience of perils in the wilderness as well as of floggings and imprisonment. The record closes with a touching account of her death in Jamaica on her third visit to the Friends of the Dispersion. Mrs. Manners has provided a fascinating hour's reading for all who can appreciate such a story, told in a series of very living and human contemporary documents.

W. H. F.

THE *Bodleian Quarterly Record* for October (vol. i, supplement to no. 7) contains an account by Mr. Craster of the 'discovery of a nearly complete specimen of the first great seal of Charles II, A. D. 1649', attached to letters patent bearing date 10 May. It is not indeed strictly a discovery, for the seal (as is pointed out) was described by Dr. Macray in his *Calendar of the Clarendon State Papers*, ii. 9, no. 56, in 1869. But this notice did not attract attention, and Messrs. Wyon in their work on *The Great Seals of England* (1887), pp. 102 f., knew only a shapeless lump of wax appended to a document of 18 September. The Bodleian specimen is therefore of unique interest. Mr. Craster notes that there is record of payment for the dies on 6 June, and this document shows that the seal, which is no doubt of Dutch workmanship, was already in use at the Hague on 10 May. Two fine plates and a technical description of the seal and counterseal are added.

I.

The subject of *The Sovereign Council of New France* has been for the most part neglected by writers on French Canada, so that Dr. R. Du Bois Cahall has done well to devote to it an elaborate and interesting monograph (Columbia University Studies in History, Economics, and Public Law, lxv. 1. New York, 1915). The last four chapters deal with the organization, procedure, functions, and actual achievements of the sovereign council. As an introduction to these is an account of the creation and early history of the council, its period of greatness in the seventeenth century, and its gradual eclipse in the eighteenth. No doubt it was the diminution in the position of the council which led to its neglect by students of Canadian history.

H. E. E.

Dr. E. B. Russell has produced a very learned and exhaustive study of the subject of *The Review of American Colonial Legislation by the King in Council* (Columbia University Studies in History, Economics, and Public Law, lxiv. 2. New York, 1915). It is interesting to note that of 8,563 Acts submitted by the continental colonies, 469 or $5\frac{1}{2}$ per cent. were disallowed by orders in council. The general conclusion reached is that

in such policies as the Crown chose to maintain consistently and without compromise the colonies learned to acquiesce; for against a disallowance, followed by an instruction to the Governor forbidding his assent to any future act of like purpose, the popular party, as a rule, could make little or no headway.

At the same time,

the colonists sought half consciously to possess a field of legislation removed from imperial concerns, within which they might pass laws, with a minimum of interference from the British Government. The Board of Trade appears to have recognized both the existence and the justice of this desire, and to have been somewhat more lenient towards laws purely of a domestic import.

Dr. Russell recognizes, like Dr. Dickerson, that

the work of the Privy Council constituted at once a precedent and a preparation for the power of judicial amendment upon constitutional grounds now exercised by the State and Federal Courts in the United States.

H. E. E.

Eighteenth Century Nonconformity, by the Rev. J. Hay Colligan (London : Longmans, 1915), deals succinctly in the short space of 140 pages with some of the chief topics which arise in connexion with the subject. But Wesleyanism does not enter into the scheme, and has no place in the book apart from some incidental references. As a brief summary of an interesting piece of ecclesiastical history the book has a distinct value. Many useful points are brought to light, and some valuable comparisons are made of that era with the one that went before it and with those that have followed. There is a good index, but a rather discouraging lack of references : even when direct citations are made that whet the appetite for more, no indication for the most part is given of the source quoted. By this and by other features the reader is often tempted to wish that the book had been planned on a larger scale and worked out with fuller detail, and sometimes with greater accuracy of statement. Perhaps Mr. Colligan has such a work in view : and in that case it is to be hoped that he will broaden out his view of the situation, will investigate some of the recent literature about the Established Church which bears upon his topic, will include other nonconformist bodies than the presbyterians and the independents, which form his main theme, and so present a more complete picture of this side of the history of English religion during the period. He has worked well at the authorities and shown his power to handle them well, in the smaller scale, and we should feel more content with the present book if it could be regarded as preliminary to another and larger one.

W. H. F.

The unpretentious historical sketch by Professor G. M. Priest, of Princeton University, entitled *Germany since 1740* (Boston : Ginn, 1914-15), sufficiently, though within self-imposed limits, fulfils its primary purpose. The tone of this little work is appropriate to its origin, not the least so in the concluding summaries of the history of the new German empire to the fall of Bismarck, and thence to the outbreak of the present war, where the development of the German military and naval system, and the beginnings (apart from the Great Elector's isolated efforts) of the German colonial system, are succinctly related. (Of Bismarck's fall itself the account is, almost unavoidably, incomplete.) In the earlier part of the narrative there seems little to which objection can be taken in the way either of statement or of style. From both points of view, however, a protest seems allowable against the description of Arndt as 'a rugged fire-eater'. Elsewhere, in a passage doing fuller justice than it usually receives

to the services of the Frankfort National Assembly to the future unity of Germany, the same noble-hearted patriot is included among 'some of the wisest men in Germany', together with Raumer, who, it will be remembered, afterwards published some of the 'speeches which he had *not* made at Frankfort'. Altogether, the writer's literary judgements seem now and then hardly to rise to the level of his political; but his remark on an early page that 'the history of German literature presents not a single author of great repute whose early life was void of pietistic influences' is one of those paradoxes which are worth weighing. Occasionally, Mr. Priest's statements of fact are loose rather than actually incorrect. Friedrich Schlegel's pen was already active in the service of Austria in 1809: but the famous war-manifesto of April 15—if it is to that Mr. Priest refers—was the work of Gentz. Prussia is here said to have been 'much smaller' in 1815 than she had been in 1806: the difference of area, after, in January 1807, she had parted with Hanover and Lauenburg, may be reckoned at about one-tenth. And it is surely not a true perspective which represents the great Hungarian struggle of 1849 as 'led by Louis Kossuth and aided by Italians from Austria's possessions in the peninsula'. The last paragraph but one of chapter x (on the relations between Austria and Prussia in 1863) also needs more careful wording.

A. W. W.

The subtitle of Mr. J. Boyd's *Sir George Etienne Cartier, his Life and Times; A Political History of Canada from 1814 until 1873* (Toronto: Macmillan, 1914), explains the nature of the volume. There is an interesting chapter on 'Personal characteristics and relations', but there is no private correspondence, and the biography is, for the most part, a handle on which to fasten a narrative of the facts, already familiar to those interested in them, of Canadian history. Mr. Boyd accepts without reservation the view that the 'patriots' of the 1837 rising had all the right on their side, and scarcely deigns to glance at the case of the British minority, who found economic progress barred by the narrow jealousies of an ignorant majority. With regard to the later history there is less ground for controversy. No fresh light is thrown on the unpleasant topic of the Canadian Pacific scandal; though the unbiased critic will perhaps hardly agree with the airy disclaimer of Sir Charles Tupper in *Recollections of Sixty Years*. Mr. Boyd has done valuable service, however, in emphasizing, both by quotations from others and in his own text, the services rendered by Cartier in the creation of a united British North America. 'The name of Cartier', wrote Sir Lomer Gouin, the French-Canadian prime minister of Quebec, 'will live so long as this dominion—of which he was one of the master-builders—endures; and of its survival until time shall be no more there will be no cessation, so long as the spirit of patriotism, of zeal, of devotion, of persistent energy, and of conciliation which characterized him remains implanted in the hearts of his countrymen'. 'George Etienne Cartier's whole career and policy', writes Mr. Boyd, 'constitute a protest against racial animosity, religious antagonism, and sectarian strife;' and, considering that Cartier remained throughout an ardent French-Canadian and a devout catholic, could any tribute be rendered more convincing as to his services?

H. E. E.

In *The Winning of the Far West* (New York : Putnam, 1914) Professor Robert McNutt McElroy continues Mr. Roosevelt's *Winning of the West*, and completes the story of American expansion within the North American continent. He deals with the acquisition of Texas, the division of the Oregon territory, the annexation of California and New Mexico, and the purchase of Alaska, confining himself almost entirely to diplomatic and military history. In his account of the union of Texas with the United States he brings into prominence the part played by President Jackson and also the influence which English and French designs in Texas had on American action. The Texan question was one of great importance for the future of North America. Had Texas remained independent, it is not improbable that Mexico and Central America would have been left open to the economic penetration of the West European powers. But the admission of Texas into the union was followed by extensive acquisitions from Mexico and by a determined and successful assertion of the Monroe doctrine, which has prevented the establishment of a European sphere of influence in that rich and fertile land. Of the Mexican war Mr. McElroy gives a full and interesting account, which forms indeed the main matter of the book. If the Texan question was critical in North American history, the occupation of the Pacific Coast is a pivot in world history. That region, as we see to-day, is a meeting-place of east and west, and had Japan and China moved earlier, Western America with its genial climate and fertile valleys lay as open to them as Eastern America to Europe. When America thrust out Spain, and set a limit to the claims of Russia and Great Britain, she may have been, as Mr. McElroy thinks, following her 'manifest destiny', but she was certainly occupying and holding for western civilization one of the great regions of the world, and she was probably the only power that was in a position at that time to do so. The book is pleasantly written and freely illustrated with useful maps.

E. A. B.

The *Political History of Secession*, by Mr. Daniel Wait Howe (New York : Putnam, 1914), is written from the northern point of view. Sober and sincere as Mr. Howe's narrative is, it requires to be balanced by a further exposition of southern life and opinion than he has given. Moreover, an account of the differences between north and south, which is confined almost entirely to the realm of political debate and legal argument, is necessarily insufficient as the basis of a judgement of the issue between the two sections of the country. It is required to understand also the life and civilizations, the social and moral orders which they respectively represented. As a narrative, however, the book is pleasant reading, especially in the latter part, since the story is more consecutive from the time that the slavery issue came to dominate politics. The arrangement is good, except that the beginnings of secession—the Virginia and Kentucky Resolutions, the Hartford Convention, and the South Carolina doctrine of nullification—are too briefly treated. It might almost have been better to have omitted these topics and confined the book to the dominating issue of slavery. In the chapter on the Oregon boundary dispute, Mr. Howe shows how the relative indifference of the southern leaders to the

acquisition of territory into which slavery could not be carried, weakened American diplomacy; and in discussing the Kansas question he brings out the point that the fate of territory adjoining the slave states was especially important to slave-owners in view of the difficulty of recovering runaway slaves. He gives a whole chapter to the Dred Scott case, and severely censures Buchanan for his correspondence with two of the judges before the decision was announced. Mr. Howe covers too large a field to go outside of accessible printed sources for his material, but his book is a concise and interesting account of a great historic drama. E. A. B.

Sir Charles Lucas's *Historical Geography of the British Colonies* has outgrown both its title and its subject. In deference to a sentiment based on a misunderstanding of the meaning of words, which supposes 'dominions' to be more dignified than 'colonies', the second part of vol. iv is styled *A Historical Geography of the British Dominions*, vol. iv, 'South Africa', part ii, 'History to the Union of South Africa' (Oxford: Clarendon Press, 1915). Purchasers of parts i and ii may have a right to complain of the anomalous result in the lettering of part ii. Moreover, the cover describes it as a 'new edition', a statement which does not appear in the book itself, for the sufficient reason that hardly more than a dozen pages are repeated (with many changes) from the conclusion of the original part i. We have in fact an independent work relating the history of South Africa from the date of the Jameson Raid. A good deal more than half of it is occupied by a masterly narrative of the war of 1899-1902. Sir Charles Lucas so far keeps to the scheme he first laid down that he is always careful to explain the lie of the ground and the bearing of the natural features upon the military operations. But he has also given us the best history of the war that has yet been written within moderate compass. It is the summing up by a highly competent critic of the results arrived at in three large and several smaller histories, compared with a mass of official dispatches and other evidence. Sir Charles describes the events with complete information and admirable candour: he neither magnifies successes nor spares his censure of the blunders and miscalculations of which there were too many. His fairness and balanced judgment are conspicuous throughout. His style is at once lucid and vigorous; he is not afraid of speaking out, and does not disdain occasional colloquialisms. In the controversies which raged about the settlement of the political system of the country, without concealing his own opinions, he is studiously just to those who advocated a different course. We wish the 'part' could be issued as a separate and independent work: it deserves a larger circulation than can be expected when it appears as one item in a series of nine or ten. J.

In his *History of Mexico* (New York: The Bancroft Company, 1914), Mr. Hubert Howe Bancroft reprints the greater part of the *Popular History of the Mexican People* which he published in 1887. But he has condensed the chapters on recent social and economic conditions which the last section of that work contained, and he has continued the narrative of political history down to 1914. The book is divided into five sections

of about equal length dealing with the aboriginal period, the Spanish Conquest, the colonial period, the revolution and the United States of Mexico, and a sixth, much shorter, in which the events of the last half-century are briefly sketched. It thus gives within a manageable compass the story of Mexico from the incoming of the Nahua nations in the sixth and seventh centuries of the Christian era down to the struggle of Huerta and Villa and the resignation of Huerta.

E. A. B.

The *Cartulary of the Hospital of St. John the Baptist*, vol. i (Oxford: Milford, 1914), edited by the Rev. H. E. Salter, is the generous contribution of Magdalen College to the Oxford Historical Society. It is to extend to three volumes, and has been planned to include not only, as originally intended, the cartulary of the hospital drawn up at the end of the thirteenth century, but the original deeds relating to all the holdings of the hospital in Oxford itself, and numbering more than five times as many as those entered in the cartulary. The plan of the book is a model for the treatment of any collection of title-deeds. The earlier deeds are printed in full, the later shortened by the substitution of abstracts in English for long passages of 'common form'. The documents are grouped, to the best of the editor's ability, according to the several tenements to which they relate. The subsequent history of each tenement is traced from the lease book, and the chain of evidence is to be completed by the publication of the rentals and fine books which explain and justify the grouping of the deeds. Careful plans are given, actual surveys when possible, in a few cases careful reconstructions of earlier arrangements; and the present volume is made specially valuable by a well-chosen series of collotype facsimiles of documents illustrating the hands of the various chirographers of Oxford in the thirteenth century, and identifying the writing of the cartulary as that of Richard de Eppewelle. To a student of handwriting these specimens are especially valuable. The most serious defect of this book is its limitation, probably for reasons of economy, to the Oxford property of the hospital. For the sake of including the country holdings a greater degree of compression would have been justifiable. Mr. Salter's standard of scholarship is so high that it is a pleasure to catch him tripping, as when on p. 77 he omits to notice that the charter of Henry III is printed in *Monasticon* (vi. 678), and confuses the charter itself, which is duly enrolled on the Charter Roll under its proper date, with the mandate to the sheriff to give seisin, which is dated a day later and enrolled on the Close Roll. He very properly points out that the distinction between hereditaments which lie in gift and in grant respectively is not carefully observed in these early deeds. Note 3 on p. 52, however, seems scarcely needed, unless as a caution to those who have not yet realized that a tenement held at a quit-rent by an under-tenant was still technically, and indeed is, the property of the person of whom it is held. In many cases the number of releases and other deeds necessary to make good a title is very large indeed. C. J.

The 1914 volume of the *Collections for a History of Staffordshire* (London: Harrison, 1914) is neither as full nor as satisfactory as some of its prede-

cessors. It contains two items only. The first is the conclusion of Walter Chetwynd's seventeenth-century history of Pirehill hundred; the second is a series of biographical notes on the Harcourts of Ellenhall, rather hastily put together. K.

English Coast Defences, by Mr. George Clinch (London: Bell, 1915), is a slight work written on an important subject. Plans, illustrations, and large type succeed in extending the volume to more than two hundred pages, but that is small space in which to tell the history of the land defences of our shores from Roman times down to the Napoleonic era, even though that history 'is reviewed in reference to its larger and strategic aspects rather than in minute detail'. Roman coast fortresses receive more adequate treatment than those of later date, and here at least the writer is conversant with the literature of his subject. Medieval castles, on the other hand, receive such scant treatment as—'This castle, remarkable for its eccentric plan, was built about the middle of the twelfth century' (p. 100). It is as surprising to meet with Holy Island among the defences of the south coast (p. 188) as to find a drawing by Hollar of Queenborough Castle in 1784 (p. 119). H. H. E. C.

Per Cesare Baronio, Scritti Vari nel Terzo Centenario della sua morte (Roma: Società Editrice Romana, 1913), by Alfonso Caro Capececelatro and others, is a large commemorative volume. Most of the pieces are rather slight. There is a long and interesting paper by Monsignor Giovanni Mercati on the Vatican library and Baronius's work as librarian. The prefect of the Ambrosian library sends a few hitherto unpublished letters of Baronius to Carlo Borromeo, and a short treatise. There are elaborate accounts of Sora, the birthplace of the historian, and an interesting note by Professor Nicola Festa on the greatest of the critics of his annals, Isaac Casaubon. No attempt is made to estimate the value of Baronius as a historian. A couple of pages by Dr. Ludwig Pastor reports the high value set on Baronius by Böhmer. Except for the essay on the Vatican library, the most important pieces in the book are those on local history and topography. J. N. F.

When Dr. Charles Gross's book on *The Sources and Literature of English History from the earliest times to about 1485* first came out, in 1900, we had pleasure in calling attention to its conspicuous excellence: 'of its completeness and scholarly execution it is impossible to speak too highly' (*ante*, vol. xvi. 539-42); and fifteen years' constant use has only strengthened our appreciation of its merits. After Dr. Gross's death, in 1909, it was decided to prepare a new edition on the basis of the collections which he had made for that purpose, and this was undertaken by his colleagues in the historical department at Harvard University. Students are to be congratulated on its publication (London: Longmans, 1915). The editors have faithfully retained all the features of the original book, and even when the classification stood in need of improvement they have hardly ever felt themselves at liberty to make a change. Such errors as were necessarily found have been, we can testify from close examination, most carefully and exactly corrected. But the editors have done much more than revise the

book ; they have continued it so as to comprise the publications of at least a dozen years. They modestly profess to aim at completeness only as far as the end of 1910, but in fact they have included most of what is of value down to 1913 and even 1914. We have searched, as it was our duty, for works omitted, and we have searched in vain. Granted that the scheme of the book was to be preserved without modification, we have nothing but praise for the new edition. Its size has increased from 638 to 844 pages : this is to be regretted, but it was no doubt unavoidable.

R. L. P.

Three pamphlets by Signor Emilio Re are closely connected in subject, all relating to the exploitation of English archives for the history of Italy. The first of these, *Archivi inglesi e Storia italiana* (Rome : Loescher, 1913), is a 'short copy' from the *Archivio Storico Italiano*. It gives a rapid view of the principal contents of the Public Record Office, calling special attention to the documents relating to 'Foreign Merchants' in 'Accounts etc. (Exchequer)'. Some examples are printed in an appendix, and they are chosen to illustrate the forms into which commercial documents fall, where, as in England, the notary is insignificant, and the law pays particular regard to the 'deed under seal'. Signor Re gives instances of obligations, acquittances, and orders for payment, and prints in parallel columns a 'chirograph' or 'deed poll' and an 'indenture' or 'charter-party' to the same effect. He adds a note of certain Italian linguistic borrowings from English and French. It is to be hoped he may be tempted to extend his studies of commercial diplomatic, the historical importance of which is shown by the early occurrence, which he notes, of the 'indenture' in the kingdom of Sicily, obviously as a consequence of Norman rule.

La Compagnia dei Riccardi in Inghilterra (Rome, 1914), from the *Archivio della R. Società Romana di Storia patria*, is a sketch of the history of that great financial house, in its double capacity of banker to the Holy See and money-lender to Edward I. Signor Re prints documents from the *Collectorie* in the Vatican Archives and the *Instrumenta Miscellanea*, showing how the papal tenth was remitted to Rome, and how the pope became the principal creditor of the firm. He attributes its failure to the war of 1296 between England and France and to internal dissensions. The extracts which he prints from the letters in Bundle 601 of the 'Accounts etc. (Exch.)', at the Public Record Office, must come home with a certain pungency to the members of international financial houses at the present moment. They whet the appetite for his promised work *Mercanti italiani in Inghilterra*, in which they are to be printed in full. Signor Re has no space in this paper to exhibit the complete financial dependence of Edward I on the Riccardi. The article from *Gli Archivi Italiani*, entitled *Archivi Inglesi* (Naples, 1915), is a lively sketch of the history of our Public Records down to the second report of the present Record Commissioners. Signor Re has discovered the meaning of 'insularity', but his pamphlet would have been less misleading had he also learned that of 'self-depreciation', that 'consciousness of each other's infirmities' which is no less marked an English trait. He is also in error in supposing that a 'calendar' is so called because the abstracts in it are arranged chronologically ; very often they are not.

C. J.

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The History of the Col de Tenda †

IT is a trite commonplace that while the great passes at the western and at the eastern ends of the great chain of the Alps were historically known at a very early period, those which traverse the central Alps and extend roughly some way west and east of the St. Gotthard group of mountains do not seem to have been traversed by man till a much later date. Various reasons can be assigned for this fact, the most important perhaps being that the central Alps are more rugged and more difficult of access than those at either extremity of the range. Each of these three great divisions of the Alps presents its special characteristics.

Limiting ourselves at present to the western Alps, under which name it is convenient here to include the mighty divide that extends from the Mediterranean Sea to the snowy barrier of Mont Blanc, three features come into special prominence. The first is *geographical*. On looking at any map of this portion of the Alps we note at once that the range runs nearly due south and north from the spur of Turbia to the mass of Mont Blanc. Hence the passes cross this Alpine barrier from west to east, instead of from north to south, as in the rest of the Alps, while they all converge on the town of Turin, which is, as it were, tucked up into the north-west corner of the plain of Piedmont. The most striking topographical feature of the western Alps is the extraordinary snowlessness of the main range. Between the Mediterranean and the so-called Mont Cenis tunnel (which really lies 17 miles west of the pass of that name) there is but a single snow pass, the Passo di Pagari, situated just west of the Mont Clapier, some way to the east of which is the Col de Tenda. Beyond the tunnel and before reaching the Mont Cenis pass there are few snowy passes, but these were often traversed in the eighteenth century by

troops. North of the Mont Cenis pass there are several snow passes across the main ridge, but these are all very easy, and long known to natives, whether hunters or pilgrims. It is only a little way south of the Col du Mont, itself not far south of the Little St. Bernard, that our range again becomes snowless for a while, continuing more or less so right up to the great barrier formed by the range of Mont Blanc. Naturally this snowless character explains why the passes of the western Alps, especially those south of the Mont Cenis, were frequented in early days. Once more, the true *historical* reason for the importance of the passes of the western Alps a long way back in the life of the world is that they led from one Roman province to another, from one Gaul to the other. Later on, Transalpine Gaul became split into Provence, Dauphiné, and Savoy, the holders of the last-named region also owning Piedmont, and so sitting astride of the main range. Hence these passes form the scene of the prolonged struggle between France (which had swallowed up Provence and Dauphiné) and the house of Savoy.

This began after 1349, when the Dauphiné passed to France, which thus became an Alpine power. The situation was then already involved, because the house of Savoy held domains on either side of the Alpine chain, while Dauphiné pushed a long arm over on to the 'Italian' slope of the main divide (so Château Dauphin, and the valleys of Fénestrelles and of Oulx). It was further complicated after 1388, when the house of Savoy obtained the valley of Barcelonnette and the county of Nice, both on the 'French' slope, and after 1481, when Provence became part of France. As the French-Savoyard frontier thus extended all but continuously from Les Échelles to just south of Monte Viso, the inconveniences, especially from the military point of view, were very great. The final acquisition of the county of Tenda in 1575 by the house of Savoy did not make much difference to France, while it strengthened the position of Savoy. A first attempt to adjust matters was made in 1601, when Savoy managed to get rid of France in the lower part of the Varaita valley (just south of Monte Viso) by exchanging the marquessate of Saluzzo for Bresse and Bugey; and a second in 1696, when Pinerolo was taken from the French (who had held it from 1631) and the Savoyard frontier thus pushed back up the Chisone valley to beyond Perosa, though below Fénestrelles.

But, from the Savoyard point of view, these slight changes were merely alleviations of a most embarrassing situation. Hence a desperate effort had to be made, and was crowned by success in the treaty of Utrecht (1713), when France lost to Savoy Château Dauphin, as well as the Fénestrelles and the Oulx valleys, obtaining, however, in return the valley of Barcelon-

nette. In this way the political frontier after 1713 very nearly agreed with the 'natural' or physical frontier, the main ridge of the Alps dividing the two states. There were still the important exceptions of Savoy itself and of the county of Nice, which were both given up by the house of Savoy to France in 1860 (save a small bit of the frontier ridge in the Maritime Alps, which was reserved to the house of Savoy for reasons connected with the chase, and a small district south of the Col de Tenda, near Saorge). Thus practically the whole region of the western Alps, from near the Col de Tenda right away to Mont Blanc, is now divided, according to the principles of physical geography, between France and the house of Savoy.

If we consider this political history from our special point of view, we shall come across some curious facts. Before 1713 France held but one of the great Alpine passes across the main divide (the Mont Genève), while the house of Savoy held the four others (Tenda, Argentière, Mont Cenis, and Little St. Bernard)—of course in each case with the region that surrounds the pass. By the treaty of 1713 France gave up half the Mont Genève, but received one-half of the Argentière, while in 1860 it also acquired one-half of the Mont Cenis and one-half of the Little St. Bernard. Thus our history is that of the gradual advance of France on the left bank of the Rhone and towards the Alps, and the corresponding retreat of the house of Savoy to the 'Italian' slope of the Alps. These political fluctuations naturally exercised immense influence on the history of the several passes, the importance of which rises and falls from one century to another.

I

The region in which the Col de Tenda is situated extends from the pass to the Rocher des Trois Évêques (9,390 ft., so called as being the point at which the three dioceses of Nice, of Digne, and of Cuneo unite), a little south of the Col de l'Argentière. At first the chief ridge runs from east to west, but gradually it bends north-west and south-east. It therefore comprises that portion of the Alpine chain which is known as the Maritime Alps, a name which suits the district very well when we look at it from the 'French' point of view, though on the 'Italian' slope it is completely cut off from the Mediterranean by the range of the Apennines.

On the north or 'Italian' side the topography is quite simple. Our region is bounded by the valley formed by a single considerable mountain stream, the Stura di Demonte, which under the walls of Cuneo receives its chief affluent, the Gesso, and then flows on to join the Tanaro at Cherasco. The Gesso itself is made

up of several branches, all flowing from the higher portion of the Maritime Alps, the loftiest summit of all, the Punta dell' Argentera (10,794 ft.), rising between two arms of the Gesso, but on a spur projecting to the north from the main divide. A little before joining the Stura at Cuneo the Gesso receives its chief affluent, the Vermenagna, at Borgo San Dalmazzo. The three streams we have named flow down from the chief passes across that portion of the main ridge of the Alps included in the region. The Vermenagna descends from the Col de Tenda, and the Gesso from the Col di Finestra, while the Stura has its origin on the Col de l'Argentière. A short lateral spur, running north-east from the Testa Malinvern (9,643 ft.), divides the valley of the Stura from that of the Gesso. The passes therefore between this peak and the Rocher des Trois Évêques are 'feeders' of the Col de Tenda, or 'links' between our region and that of the Col de l'Argentière, like those which cross the great ridge running south-west from the Rocher des Trois Évêques and separating the three seaward valleys from that of the Ubaye or of Barcelonnette. All these northern valleys and streams converge towards the town of Cuneo (founded in 1198), which is thus the key to the north slope of the Col de Tenda region, and therefore possesses great historical importance.

On the 'south' or 'French' slope the topography of our region is far more intricate. As mentioned above, a great ridge runs south-west from the Rocher des Trois Évêques, separating the three seaward valleys from that of Barcelonnette. Of course this is a lateral ridge, and forms no part of the main divide. From this lateral ridge three valleys descend towards the south. The most westerly is that of the Verdon, which finally makes a sharp curve towards the west, and flows into the Durance. The central of the three valleys is that of the Var, which ends in the Mediterranean, some four miles south-west of Nice. In the lower part of its course it receives two other mountain streams, which are of special importance to us, as they flow directly from the main divide. At La Mescla the Var is joined by the Tinée, which forms the most easterly of the three valleys mentioned above, and descends along the west base of the main divide. A little further south the Var receives, beneath Levens, the Vésubie, that comes down direct from the highest portion of the main divide. Now from the head of each of these four valleys passes give access to the other slope. From the head of the Verdon valley the Col d'Allos or de Valgelaye (7,382 ft.) leads over to Barcelonnette, as does the Col de la Cayolle (7,717 ft.) from the head of the Var valley, and the Col des Granges Communes (8,242 ft.) from that of the Tinée. But the upper bit of the Tinée valley is also connected, by passes across the *main* divide,

first, to the north-west of the Testa Malinvern, with the upper Stura valley, and then, to the south-east of that peak, with the main or Valdieri branch of the Gesso. A tangled, though not very lofty mountain mass, separates the Tinée valley from that of the Vésubie, from which the Col di Finestra (8,107 ft.) gives access to the Entraque branch of the Gesso, and the Col della Ciriegia (8,370 ft.) to the main or Valdieri branch of the same stream.

To the east of the Vésubie valley the topography becomes more and more intricate, for between that valley and the Roja glen (descending straight from the Col de Tenda) two mountain torrents have their origin not very far up in the mountains, but on either slope of the main divide of the Alps—the Paillon, which flows into the Mediterranean at Nice, and the Bevera, an affluent of the Roja. This main divide runs south from near Mont Clapier (9,994 ft.), rather to the east of the Vésubie valley, and attains the shore of the Mediterranean at the spur of Turbia. This sudden deflexion of the main divide has important consequences, since to its west we have the Paillon valley, and to its east the Roja valley, with its affluent the Bevera. It will thus be seen that while the direct *topographical* route from the Col de Tenda leads straight down the Roja valley to the Mediterranean, the *historical* route must traverse two low passes on the way from the Roja valley to Nice—first the Col de Brouis (2,749 ft.) across a side ridge to the Bevera stream (for this ends in an impassable gorge before joining the Roja), and next across the main divide of the Alps by the Col de Braus (3,278 ft.) to the Paillon valley and so to Nice. As historical reasons have caused the creation of a political ‘enclave’ in the middle bit of the Roja valley (this ‘enclave’ permanently belonged to Provence from 1284, passed to Savoy in 1388, and so only became French in 1860, as forming part of the county of Nice), they have brought about the singular result that the ancient town of Nice, and not Ventimiglia, is the true counterpoise, on the south slope, of Cuneo on the north slope. The history of the region of the Col de Tenda is hence far more intimately associated with that of Nice than with the story of Ventimiglia, its nearer neighbour.

Nice and Cuneo are thus the two great centres on either slope of our region, and it is interesting to remember that till a few years ago a diligence ran direct in some 22 hours from Cuneo to Nice: since the railway was opened from Cuneo to San Dalmazzo di Tenda at the head of the Roja valley this post-carriage starts from Giandola (in the French bit of the Roja valley and some few miles below Tenda). This state of things is of historical interest and is likely to last long, unless the Italians decide to dig out a tunnel which will permit them to avoid the French middle bit of the Roja glen and thus connect not merely

the Italian upper and lower bits of that glen, but also Cuneo, direct with the Mediterranean.

It will now be seen that the Col de Tenda itself crosses the mountains some way east of the main divide of the Alps, and therefore is strictly in the Apennines and not in the Alps. But it is generally taken to form the limit between the Alps and the Apennines, and this, though strictly inaccurate, may be justified by the historical reasons given above, which have resulted in making Nice (and not Ventimiglia) its terminus on the south slope. This is the reason why we begin our study of the great historical passes of the Alps with the Col de Tenda and not with the Col di Finestra, as strict topography would require. Physical geography, and that not for the only time, is here overridden by and must yield to historical geography.

II

The early history of the district lying to the north of the Col de Tenda is far more intricate than that of the valleys opening on the south slope of our region. Previously to 1198 it seems to have been in the possession of the ancient Benedictine abbey of Pedona, which is said to have been founded as early as 616.¹ This great house was destroyed by the Saracen invaders about 906, when its lands passed to the bishop of Asti, but it was refounded later. The name of Pedona occurs for the last time in a document of 1041, while that of San Dalmazzo is first mentioned in 1098.² The claims of the house of Savoy date from 1098,³ though practically the bishop of Asti and the marquess of Saluzzo ruled in this region, particularly in the Stura valley. In 1198 the smaller lords in the Stura valley rose in rebellion against Saluzzo, and, aided by the city of Asti, founded the new town of Cuneo, at the junction of the Stura and of the Gesso.⁴ But in 1210 the newly founded town was destroyed by the marquess of Saluzzo and his allies, though rebuilt in 1230.⁵ A few years later, however, Cuneo lost its recently gained freedom, for in 1259 it gave itself to Charles of Anjou, afterwards king of Naples. He had married Beatrice, the heiress of the last count of Provence and Barcelona, who in 1231 had refounded the town of Barcelonnette, in the Ubaye valley, which is connected by the Col de l'Argentière with the Stura valley and

¹ E. Reynaudi, *Cuneo e le sue Valli* (Cuneo, 1905), p. 174. San Dalmazzo, its patron, is said to have been martyred as early as 254.

² Reynaudi, l. c.; Ughelli, *Italia Sacra*, iv (ed. 1719), p. 356. That of the town of Borgo San Dalmazzo, either near the site of the monastery or opposite, across the Gesso, occurs in a document first in 1166.

³ C. W. Previtè Orton, *The Early History of the House of Savoy* (Cambridge, 1912), p. 274.

⁴ Orton, p. 368; Reynaudi, pp. 68-9.

⁵ Orton, p. 412.

Cuneo, so that it was easy for the count of Provence to extend his influence across that pass. For the next century or so Cuneo (on which depended more or less directly not merely the Stura valley, but its affluents, those of the Gesso and of the Ver-managna) was tossed from hand to hand, and the object of prolonged struggles between the Angevins, the marquesses of Saluzzo, and the house of Savoy, with occasional short intervals of municipal independence.

The first period of Angevin rule over Cuneo lasted from 1259 to 1281, when Saluzzo again obtained it and held it till 1305. Then came a second period of Angevin dominion, 1305-47, broken only by a short spell of Milanese domination (1306-8) and two brief intervals of Savoyard rule, 1311 and 1347-8. During these years, 1305-47, Cuneo became the Transalpine capital of the Angevins. A second period of Milanese rule covered the years 1348-56, while the Angevins were masters from 1356 to 1366, and Milan again from 1366 to 1372. To English readers the occupation of Cuneo by English troops, 1368-9, is interesting, Cuneo forming part of the dower (1368) of Violante Visconti (daughter of Galeazzo II, duke of Milan), the wife of Lionel, duke of Clarence. Queen Joan of Naples, the heiress of the counts of Provence, was lady of Cuneo from 1372 onwards, nominally at least, until her murder in 1382. But already in 1377 the citizens had been negotiating with Savoy, and in 1382, after Joan's heir, Louis of Anjou, formally renounced all claims on Piedmont, Cuneo became definitively part of the Savoyard dominions, though the citadel held out till 1385.⁶ Since that time the town of Cuneo has shared the fortunes of the house of Savoy, with occasional short interludes of occupation by the French, 1499-1500, 1536-8, and 1798-9, while from 1800 to 1814 it was the capital of the Department of the Stura in the French Republic and Empire. But though seven times besieged by the French (1542, 1557, 1639, 1641, 1691, 1744, and 1799) it never remained long in their power, save from 1800 to 1814, so that this key to the Alps, on the 'Italian' slope, escaped the French to a greater degree than did others further to the north.

On the south slope of our region we have to distinguish between the county of Provence (including Nice and Barcelonnette) and that of Ventimiglia (including Tenda and Limone, on either side of the Col de Tenda).

The counts of Provence date back to the middle of the tenth century.⁷ In 1054 a cadet line obtained the county of

⁶ For all these dates see Reynaudi, pp. 70-4, and Emilio Calvi, *Tavole storiche dei Comuni Italiani*, i, Liguria e Piemonte (Rome, 1903), pp. 47-8.

⁷ H. Bresslau, *Jahrbücher des Deutschen Reiches unter Konrad II*, ii (Leipzig, 1884), pp. 21 ff.

Forcalquier, which is said to have included the Alpine portion of Upper Provence.⁸ But in 1218 Forcalquier (through marriage with the heiress) reverted to the elder line, the heiress of which meanwhile had married the count of Barcelona, in 1112. The last native count of Provence, Raymond Berengar IV, in 1231 refounded and christened the town of Barcelonnette in the Ubaye valley. His heiress, Beatrice, married in 1246 Charles of Anjou, a cadet of the royal line of France. The first Angevin house came to an end in 1382, on the murder of Joan, queen of Naples and countess of Provence, who by her will left the county of Provence to the second Angevin cadet line of the house of France, by which it was held till it was united to France in 1481. In the confusion that followed Joan's murder a portion of the county of Provence (Nice and Barcelonnette) split off, and half willingly gave itself (1388) to the count of Savoy. It long remained in the hands of the house of Savoy, the valley of Barcelonnette passing to France in 1713 by the treaty of Utrecht, but the county of Nice not till 1860. For us the Savoyard period of the county of Nice is by far the most important, while our sources of information then become also more detailed.

We must now turn to the county of Ventimiglia, confining ourselves to that part of it which occupies the upper bit of the Roja valley (Tenda, with Briga, and Saorge, with Breil) as well as the upper bit of that of the Vermenagna (that is Limone, with Vernante). The historical importance of these counts is that (like those of Savoy, though on a smaller scale) they sat astride of the Alps, ruling both slopes of the Col de Tenda, from the eleventh century to nearly the end of the sixteenth. As the history of their domains in this region is rather complicated it will perhaps be better to sketch it under three heads—Tenda (with Briga), Saorge (with Breil), and Limone (with Vernante), as the history of each of these three districts differs not a little from each other.

1. We take the district of Tenda (with Briga) first, as it lies immediately at the south foot of our pass. The first known mention either of the village of Tenda or of the counts of Ventimiglia is found in a document, by which counts Otto and Conrad, of Ventimiglia, confirm a grant of privileges made to the men of Tenda, Briga, and Saorge by a certain 'Ardoinus marchiso', who seems to be identical with Ardoin III Glabrio, marquess of Turin. Now this Ardoin Glabrio is last mentioned in 976, while the two counts named are known to have flourished about 1038-41.⁹ About a century later, in 1157, we learn that the

⁸ *L'Art de Vérifier les Dates*, x (1818), pp. 397, 429.

⁹ See the text of this document in the *Storia delle Alpi Marittime*, by Pietro Gioffredo (1629-92), printed in the *Monumenta Historiae Patriae, Scriptores*, i (Turin,

counts of Ventimiglia had to acknowledge the suzerainty of the town of Genoa, in particular as regards Tenda and Briga (as well as Breil and Saorge).¹⁰ This Genoese suzerainty existed still in 1220, when notice was given to the men of Tenda and Briga (as well as to those of Saorge, Breil, Limone, and Vernante) not to render any aid to the rebellious citizens of Ventimiglia, who had risen against the Genoese.¹¹ Meanwhile, in 1198, the men of Tenda had made an alliance with the lords of Roccavione (close to Borgo San Dalmazzo) against any attack of the Limone men on these lords, who, on their part, granted to the Tenda men all that slope of our pass which looks towards Limone. The same notice states that the aforesaid lords, with the help of the count of Ventimiglia and of the marquess of Montferrat, agreed to bear the expense of keeping in order the roads from Ventimiglia to Borgo San Dalmazzo, and therefore that across our pass.¹²

In 1258 a political change came over our villages, for by two successive agreements, made by two of the counts of Ventimiglia, the villages of Tenda, Briga, Saorge, and Breil were made over to Charles of Anjou, count of Provence.¹³ It is not quite clear how far this suzerainty was effective, or if Charles actually held possession of these villages and so of the south slope of the Col de Tenda. But in 1274 the counts of Ventimiglia were still in actual possession of Tenda, Briga, and Saorge, having perhaps wrested them from Charles after a fresh rising.¹⁴ In 1276, however, they had to acknowledge once more the suzerainty of Charles, though the counts still remained in actual possession of Tenda, Briga, Saorge, and Breil.¹⁵ It is said that in 1276 Tenda received its first statutes from the count of Ventimiglia.¹⁶ In 1279 the count of Ventimiglia, on behalf of Tenda, Briga, Saorge, Breil, &c., made an alliance with the growing town of Cuneo, clearly in order

1840), col. 308, and for comments thereon, Orton, pp. 162-3. and L. H. Labande's preface (p. xix, note 3) to the great publication entitled *Documents historiques relatifs aux Seigneuries de Menton, Roquebrune et La Turbie* (Monaco, 1909). For genealogies of the counts of Ventimiglia see S. Guichenon, *Histoire généalogique de la Royale Maison de Savoie* (Turin, 1778), vol. iii, pp. 422-3. Gioffredo, col. 600; and (best) E. Cais di Pierlas, *I Conti di Ventimiglia* (Turin, 1884), who also gives (pp. 101-2) the text of the above-named document, but with the unexplained date of 1002.

¹⁰ *Monum. Hist. Patr.* i. 197; E. Cais de Pierlas, *Statuts et Privilèges accordés au Comte de Vintimille* (Genoa, 1890), p. 9; Labande, p. xxxi.

¹¹ E. Cais de Pierlas, *Statuts*, p. 10, quoting *Monum. Hist. Patr.* i. 657, 660-2.

¹² Gioffredo, col. 477; A. Manno, *Bibliografia storica della Monarchia di Savoia*, ix (Turin, 1913), p. 139.

¹³ This is the right date: see Cais de Pierlas, *Statuts*, pp. 13, 117; Labande, pp. lx-ii; Gioffredo, col. 591.

¹⁴ Gioffredo, col. 629; Cais de Pierlas, *Statuts*, p. 18; Labande, p. lxxiii.

¹⁵ Labande, pp. lxxiv and lxxvi.

¹⁶ G. Rossi, *Gli Statuti della Liguria*, in the *Atti della Società Ligure di Storia Patria*, xiv (Genoa, 1878), 179.

to strengthen himself against the dynasty of Anjou.¹⁷ In 1284 Tenda and Breil were still in the hands of the Ventimiglia counts, but in that year Saorge was taken by Charles, and probably Breil also.¹⁸

Peace was finally made in 1285 between Ventimiglia and Charles, the former agreeing to recognize Angevin suzerainty in name, while the latter kept Saorge and Breil, the history of which now separates from that of Tenda and Briga.¹⁹ Thus while the Angevins ruled more or less nominally over Tenda, Briga, Saorge, and Breil between 1258 and 1274, they lost Tenda and Briga definitively by the peace of 1285, which, however, confirmed to them Saorge and Breil, taken by them in 1284. In 1285 the county of Tenda thus became a district to itself, the branch of the counts of Ventimiglia which reigned there taking the special title of counts of Tenda, and also the surname of 'Lascaris' (by reason of the marriage, in 1269, of Count Guglielmo Pietro with Eudoxia Lascaris, daughter of Theodore II, Greek emperor of Constantinople) in lieu of their own patronymic of 'Balbo'. Their domains included Tenda, Briga, Limone, and Vernante, so that practically the different branches of this family held the immediate environs of the Col de Tenda. This is shown by the stipulation contained in the act of submission of Nice to the counts of Savoy in 1388, whereby the counts of Savoy engaged to drive out, whether by way of exchange or of conquest, the counts of Ventimiglia, lords of Tenda and Briga, so as to secure free communication between Nice and Piedmont.²⁰

It was clear that these counts, cut off, after 1388, by the Savoyard 'enclave' of Saorge from their natural base at Ventimiglia, and having to face on the other side of the pass the advancing power of Savoy here too, were bound sooner or later to bow to that house. Hence we find that in 1406, 1419, and 1426 the Savoy counts (dukes since 1417) bought up various rights in Briga and Limone from the various counts of Ventimiglia.²¹ They thus practically secured the whole pass. But the counts of Ventimiglia were still lords on either slope, so that in 1501 the heiress of the counts, Anne Lascaris, countess of Tenda, was married to René, the great bastard of Savoy

¹⁷ Cais de Pierlas, *Statuts*, p. 19; Gioffredo, col. 635.

¹⁸ Cais de Pierlas, *Statuts*, pp. 18, note 5, and 20; Labande, p. lxxvi, note 3.

¹⁹ Gioffredo, cols. 643-52; Cais de Pierlas, *Statuts*, p. 20; Labande, p. lxxvii.

²⁰ E. Cais de Pierlas, *La Ville de Nice pendant le Premier Siècle de la Domination des Princes de Savoie* (Nice, 1895), p. 37. The original text is given by Guichenon, iv. 229: 'quod ipse (i. e. the count of Savoy) teneatur Comites Vintimilii, Dominos Tendae et Briguae, suo posse cohercere et removere per cambium vel conquestam a dominio et tenuta ac possessione dictorum locorum et aliorum quae in dicto comitatu tenent, ad hoc ut passus de Nicia usque in Pedemontem itinerantibus sit apertus.'

²¹ Gioffredo, cols. 995, 1041; Cais de Pierlas, *Statuts*, p. 8; *La Ville de Nice*, pp. 154-5, 540.

(son of Duke Philip), from whose descendants the whole county of Tenda, on both sides of the Alps, was obtained in 1575 (finally in 1579). The house of Savoy thus took the place of the house of Ventimiglia, which had been rulers in this region since the eleventh century, a region which has never been French.

2. The history of the villages of Saorge and Breil is, as we have seen, practically the same as that of Tenda and Briga down to 1284, when Saorge was finally lost to the counts of Ventimiglia. It was then part of Provence, and so, with the rest of the county of Nice, became Savoyard in 1388 and French in 1860. This is the origin of the French 'enclave' in the middle reach of the Roja valley, which from 1284 onwards ceased to share the fate of the county of Ventimiglia, or of that portion of it known since 1285 as the county of Tenda.

3. Limone is not mentioned (though Vernante appears under the name of 'Alvergnando') in the charter of 1041 by which the Emperor Henry III confirmed to the bishop of Asti various lands in our region,²² and was probably not then in existence. But in 1198 we hear of a boundary dispute between Limone and the men of Tenda, wherein the lords of Roccavione apparently acted for the community of Limone.²³ In 1220 both Limone and Vernante are included among the places the men of which were warned by the Genoese not to aid the rebellious citizens of Ventimiglia.²⁴ But in 1230 the men of Limone swore allegiance to the marquess of Saluzzo,²⁵ while in 1239 we read of certain claims made by the men of Tenda against those of Limone.²⁶ But by 1276 it must (with Vernante) have become part of the domains of the count of Ventimiglia, for he then confirms the statutes of Limone.²⁷ In 1279 the count of Ventimiglia made an alliance with Cuneo, on the behalf of Limone and Vernante, as well as of Tenda, Briga, Saorge, and Breil—so that all these villages were now certainly included in the county of Ventimiglia.²⁸ But we learn that in 1369 the count of Ventimiglia had to acknowledge the suzerainty of Provence for Limone and Vernante (as well as for Tenda and Briga), though in 1379 the count, on behalf of our two villages (as well as of the four on the other side of the Col de Tenda), made an alliance with the duke of Milan and the town of Cuneo.²⁹ Gradually the power of the house of Savoy increased in the valley of the Vernienagna (especially after it definitively obtained the town of Cuneo in

²² Ughelli, iv. 356.

²³ Manno, ix. 139.

²⁴ See above, p. 201.

²⁵ A. Tallone, *Cartario delle Valli di Stura et di Grana* (Pinerolo, 1912, *Biblioteca della Società Storica Subalpina*), p. 23.

²⁶ Manno, ix. 140.

²⁷ Rossi, *Statuti*, p. 128. Other dates given for this confirmation are 1270 and 1277 (Gioffredo, col. 632); see Manno, ix. 140.

²⁸ Cais de Pierlas, *Statute*, p. 19.

²⁹ *Ibid.* pp. 21-2.

1382), so that in 1406 and 1419 part of the rights of the count of Ventimiglia in Limone were bought up by the count (from 1417 duke) of Savoy.³⁰ This, of course, was meant to carry out the promise made to Nice in 1388, that the count of Savoy would somehow get hold of the domains of the counts of Ventimiglia, in order to secure free communication over the Col de Tenda. It is clear, however, that only certain limited rights were then parted with, for in 1550 and 1553 we hear that Anne Lascaris, countess of Tenda and lady of Limone, confirmed new statutes for the community of Limone.³¹ As in 1501 she had married René, the great bastard of Savoy, it was really only a question of time for Limone (and Vernante) to fall to the house of Savoy, which in 1575 (finally in 1579) obtained them from the descendants of Anne, and in 1582 confirmed the statutes and privileges of Limone, Vernante, and Tenda.³²

Thus the house of Savoy obtained, between 1388 and 1575, the whole of the southern slope of our pass. It kept this slope till 1860, when the county of Nice became French (and so Saorge became a French 'enclave'), though it has never lost Tenda and Limone since 1575, and in 1815 acquired from Genoa the county of Ventimiglia proper, that is the coast-line around the town of that name. As Savoy had won Cuneo in 1382, it held from 1575 onward *both* slopes of our pass, which later came to supersede the Col di Finestra as the main way across the Alps in our region. But in 1860 a small part of our region remained Savoyard, being cut off from the county of Nice (then ceded to France), namely, a district to the west of the main divide of the Alps, including the upper bit of the Vésubie valley and the Mollières glen of the Tinée valley, which were left by France to the hunter king of Sardinia, Victor Emmanuel II, for reasons of the chase.

III

Having now gained some idea of the general topography and history of the region of the Col de Tenda, we must go on to investigate the history of the principal historical pass which leads through it from Nice to Cuneo—the Col de Tenda.

The name was clearly given to the pass on the Italian side, in accordance with the general rule in the Alps that a pass is called after the village to which it leads. As we shall find over and over again, Alpine passes are often described as simply leading from place to place, and only later obtain special names. In the case of our pass the first known mention of its present name seems to occur in a curious document of 1419, of which we shall have to speak later on—'Montagne de Tente'. It was only

³⁰ Cais de Pierlas, *La Ville de Nice*, pp. 154-5.

³¹ Manno, ix. 140; Gioffredo, col. 1472.

³² Manno, ix. 140.

natural that the pass should bear the name of Tenda, as it was more important to the Cuneo people than to the Nice people, for over it came all sorts of imports from Provence, especially salt from the Mediterranean. It must also be borne in mind that till 1815 the sovereigns of the house of Savoy had no other outlet on the sea besides Nice, for the coast from a little east of that town as far as Genoa was in the hands of the latter city, through whose territory all roads coming from Piedmont on the north must necessarily pass. There does not seem to be any case of our pass being named 'Col de Cuneo' or 'Coni', unless possibly the following forms really refer to that town and have no other signification. In many cases we find the name 'Cornio', 'Corno', or 'Cornia' applied to our pass. It is indeed by this name that we first hear of the pass in a charter (dated 1041), by which the Emperor Henry III confirms to the bishop of Asti all his possessions, including the villages of Robilante and Vernante right up to the 'mons Cornius'.³³ In the seventeenth century the historian Gioffredo assures us³⁴ that this name comes from Pope Cornelius (251-2), who fled over the pass to escape from persecution. Gioffredo quotes a passage from the 'Acts' of San Dalmazio, in which the full form, 'mons Cornelianus', is given, and this occurs also in 1682 in the text of Blaeuw's *Theatrum Statuum Sabaudiae Ducis*.³⁵ But more probably this name, if not a corrupted form of 'Cuneo' or 'Coni', is derived simply from the shape of an Alpine pass, a depression lying between two 'horns'.

In 1430 we hear that the duke of Savoy granted letters patent to two men (who farmed the salt taxes), permitting them to devote to the establishment of a new road across the 'Arnovo' pass (of which we shall speak hereafter) the sums they were bound to expend 'in aperiendo colle de Corgnya'. This Cais de Pierlas interprets³⁶ as meaning the Col de Tenda, which, as we have seen above, is first mentioned by that name in 1419. In 1515 Jacques Signot's map names the 'Col de Tende' (its first appearance on a map). The *official* name for the pass in the sixteenth century seems to have been 'montes Corniae', which appears in the inscription on the wall of the parish church at Limone recording the fact that in 1536 the Emperor Charles V crossed our pass.³⁷ Yet in 1550 Paulus Jovius (1483-1552) writes of the 'montana et colles Tendae',³⁸ while in 1581 E. P. de Pingon (1525-82) mentions the 'collum Tendarum'.³⁹

A certain confusion, however, arose as to the names attributed to our passes and the lateral passage, now called Colle Tanarello, which from the village of Tenda leads eastwards to the sources of the Tanaro. On a number of maps the name 'Col de la Corna' is given to this lateral pass, these maps ranging in date from 1556 (Castaldo) to 1748 (Dheulland). Possibly the first in date was that of Castaldo, 1556 (Col de la Corna),

³³ Ughelli, iv. p. 356: 'et Robulando et Alvergnando usque ad montem Cornium'.

³⁴ Col. 27, 173.

³⁵ ii. p. 156.

³⁶ *La Ville de Nice*, p. 270.

³⁷ Reynaudi, p. 113. This inscription was read *in situ* by Gioffredo (col. 1322), who lived from 1629 to 1692.

³⁸ *Historiae sui Temporis* (Florence, 1550), i, p. 236.

³⁹ *Inchytorum Sazoniae Sabaudiaeque Principum Arbor Gentilitia* (Turin, 1581), pp. 108, 111.

followed in 1581 by the text of Pingon (Collum Cornae),⁴⁰ and in 1589 by the map of Piedmont by Mercator (Col de Corna). But the 'M. Corna' on Septala's map of the Duchy of Milan (1584) seems to refer to the Col de Tenda, as the name is engraved in letters of the same size as that in which the names of the other great Alpine passes are given, and otherwise the Col de Tenda is not mentioned on this map. The maps of 1556 and of 1589, and the text of 1581, all mention the 'Col de Tenda' as well as the lateral pass.⁴¹ The great topographical work by Pierre d'Avity, entitled *Les Estats, Empires, et Principautés du Monde* (first edition published in 1612), enumerates among the principal passes leading from Piedmont to the county of Nice the 'montagne de Corne', clearly meaning to indicate the Col de Tenda.⁴² Melchior Tavernier's map of Piedmont (1630) names both the Tenda and the Corne passes as distinct, thus following the tradition of 1556, of 1581, and of 1589. Tavernier's map indeed seems to have established a sort of 'French' tradition, for the two passes are named and distinguished on Sanson's maps of 1648 and of 1652 (not on that of 1665, which names the Tenda only), and later on those of Jaillot (1690 and 1695, but the latter does not name the Tenda), and of Dheulland (1748), as well as on that of Bourcet (probably not much earlier than 1801). This distinction is also found in the text of d'Avity's later work, the *Description de l'Europe* (first edition published in 1637),⁴³ and in that of Bourcet's *Mémoires Militaires* (dating from about 1750, though not published till 1801).⁴⁴

Gioffredo assures us that this erroneous distinction originated with two Italian writers, Lodovico della Chiesa and Magini (both about 1620), but we have seen that it is of earlier date. Gioffredo himself is quite clear that the names Tenda and Corne belong to one and the same pass, our great pass, contending that the two writers named by him had made two passes out of one. He gives the forms 'Corno' and 'Cornia',⁴⁵ and quotes a description by the French topographer, Pierre Du Val, dated 1656, in which the name 'Col de Tende' only is used of our pass.⁴⁶ The official Savoyard tradition of 1536 was later followed by the official map-makers, for Tommaso Borgonio's two maps (1680 and 1772) give the name 'Col de Cornio' only to our pass (Dury's London edition of 1765 gives also 'Col de Tenda'), while in 1682 Blaeuw's great *Theatrum Sabaudiae* speaks of the 'mons Cornelianus', and marks a road over it;

⁴⁰ p. 110. The name 'Col de la Corne' also appears in the text of and on the map annexed to the *Mémoires Militaires*, published in 1801 under the name of P. J. de Bourcet (1700-80), though the text of this work dates from about 1750, and the map is much later.

⁴¹ I quote the maps of 1556 and 1584 from my own copy of the 1603 edition of Abraham Ortelius' great *Theatrum Orbis Terrarum*, but I believe the earlier dates are correct. The plural form of the name Tenda given by Pingon (pp. 108, 111) seems to arise from taking the singular 'Tendes' as a real plural.

⁴² p. 449 of the Paris edition of 1616.

⁴³ For the 1637 edition see the *Revue Alpine*, xiii. 17, note 2, the distinction occurs in vol. iii, p. 5 of the third edition, published at Paris in 1660 (though on p. 9, as in vol. ii, p. 739, only the Tenda is mentioned).

⁴⁴ pp. 239 and 327 (but on p. 192 only the Tenda is named).

⁴⁵ See Gioffredo's observations on all these matters in col. 27, 69, 71, 173, 477, 486, and 1322.

⁴⁶ Col. 68.

the map of 1680 marks a road over the lateral pass, that of 1682 is silent, but that of 1772 names it 'Collo del Tanarello'. Later, certain maps seem to consider it prudent to give both names 'Cornio' and 'Tenda' to our pass; so those of Nolin, 1691, of Tillemon, c. 1691, of Visscher, c. 1710, and of Dheulland, 1748—of these maps Tillemon is silent as to the lateral pass, and Nolin and Visscher mark a road across it, but give no name, while Dheulland indicates a road across and also gives the name 'Col de la Corne'. In 1707 De l'Isle's map gives only the name of the Tenda, but marks a road over the lateral pass.

The name 'Col de Cornio' for our main pass lingers on still on the maps of Robilant (1786)⁴⁷ and of Albanis Beaumont (1795),⁴⁸ though both writers use the name 'Col de Tenda' only in their text. At last in 1799 the map of Bacler d'Albe (following that of Borgonio of 1772) attributes the name 'Col de Tanarelle' to the lateral pass, and the long confusion comes to an end. But as late as 1829 William Brockedon tells us that the pass was locally known as the 'Col di Cornio'.⁴⁹ The same name is given, as an alternative to that of Tenda, in Joanne's *Les Villes d'Hiver de la Méditerranée* (1864, p. 379), and survives in the 1877 and 1888 editions of his *Provence* (p. 379 and p. 377); but it has disappeared in the 1896 edition (p. 398) of Martelli and Vaccarone's *Guida delle Alpi Occidentali* (Turin, 1889), though it is still found in the second edition (1896) of G. Dellepiane's *Guida per Escursioni negli Appennini e nelle Alpi Ligure* (p. 166), and even in G. Bobba's *Alpi Marittime* (1908, p. 20). The name therefore, Italian in origin, lingers latest in Italy.

Two remarks must be made in conclusion. The fragments of the *Chronica Pedonae* (i. e. of San Dalmazzo) mention our pass in 906 under the name of 'montem Corneum', which is interesting, even though this chronicle is said to have been forged in the sixteenth or eighteenth century, for at least it shows that this name was current at that date, and not necessarily in the year given in the text.⁵⁰ Secondly, it is worthy of note that some of our authorities seem to attribute the name 'Corno' to the mountain mass over which the Col de Tenda passes, or even to a distinct peak of that range. So Gioffredo writes of the 'alta montagna della Cornia o di Corno',⁵¹ possibly meaning not the pass alone, while Robilant in 1786 mentions the 'montagnes de Cornio, au-dessus de Tende' as quite distinct from the pass.⁵² Albanis Beaumont goes even further in 1795, for he writes of 'the majestic and lofty peak of Cornio, which stands in a northern direction from the Col and is totally granitic',⁵³ probably

⁴⁷ N. de Robilant, *Essai géographique, suivi d'une Topographie souterraine, minéralogique, et d'une Docimasia des États de S. M. en terre ferme* (printed in the *Mémoires de l'Académie Royale des Sciences de Turin, Années 1784-5, Première Partie*, Turin, 1786), pp. 195, 250.

⁴⁸ Albanis Beaumont, *Travels through the Maritime Alps from Italy to Lyons across the Col de Tende* (London, 1795), *passim*. On his map the name 'C. of Fornio' (*sic*) is placed W. of the 'Col of Tende', but in the text, pp. 47, 51, the former name is given as 'Col de Cornio'.

⁴⁹ *Illustrations of the Passes of the Alps*, ii. 66, note.

⁵⁰ *Monumenta Historiae Patriae, Scriptores*, iii. col. 6, and in the *Biblioteca della Società Storica Subalpina*, xxxii (Pinerolo, 1908), p. 343 and note.

⁵¹ Col. 43.

⁵² p. 251.

⁵³ p. 37.

meaning the Rocca dell' Abisso (9,039 ft.), which really rises west of the pass. These last statements illustrate well the everlasting confusion of the two senses of the term 'Corne', which may as well mean a distinct peak as a pass lying between two peaks, not to omit the fact that even in our days 'mont' means a peak as well as a pass (e.g. the Mont Genève, the Mont Cenis, &c.), no sharp distinction being made till quite modern times, when to climbers a peak came to mean something very different from a pass, however 'historical'.

It seems quite certain that the Col de Tenda was not known to the Romans.⁵⁴ It is possible that it was crossed by the Saracen marauders, coming from their stronghold of Fraxinetum, now La Garde Freinet (near Fréjus), somewhere about 906 (the exact date is very uncertain), when they sacked and burnt the great monastery of Pedona or San Dalmazzo, close to Cuneo. This is distinctly stated in the sixteenth-century 'Acts' of St. Bernulf, bishop of Asti, who was martyred by these bandits.⁵⁵ But this authority is of late date, and possibly these marauders crossed the Col di Finestra from the head of the Vésubie valley, this route also leading straight down to the abbey of Pedona.⁵⁶ The first authentic mention of our pass dates from 1041, when in a charter of the Emperor Henry III to the bishop of Asti we hear of the 'mons Cornius' as one of the limits of the territory granted (the phrase has been quoted above, on p. 205). In August 1162 the aged Count Raymond Berengar of Provence (with his nephew), coming from Spain, crossed the pass from Nice on his way to meet the Emperor Frederick Barbarossa, but died on 6 or 8 August at Borgo San Dalmazzo before reaching Turin.⁵⁷ We have already told the local history of the villages of Tenda and of Limone, the relations between which show that the pass separating them must often have been crossed in the middle ages,—in 1198, 1220, 1239, 1276, 1279, 1369, and 1379—these allusions being connected with the general history of the rule of the counts of Ventimiglia. A more distinct reference to our pass occurs in 1220, when the count of Ventimiglia made a treaty with the

⁵⁴ E. Desjardins, *Géographie de la Gaule Romaine*, i (Paris, 1876), pp. 9-67, and P. H. Scheffel, *Verkehrsgeschichte der Alpen*, i. (Berlin, 1908), p. 78. *Contra*, see F. Mader in the *Rivista Mensile* of the Italian Alpine Club, xxxii, 1913, p. 198.

⁵⁵ *Acta Sanctorum*, Martii tomus iii, p. 488 (Antwerp edition of 1668), quoted by me in the *Alpine Journal*, vol. x, August 1881, pp. 270-1: 'dein praede dulcedine allecti Tendam petunt, ad radicis situm Apennini; e qua per Alpes, per viam Collam dictam illis imminentem in subalpinam Italiam aditum patere conspicientes, novis subsidiis aucti ipsaque Collâ superatâ, in subiectam Ligurum Vagenorum planitiem descendunt.' The Val Colla is a glen a little E. of that of the Vermenagna, and leads down to Boves.

⁵⁶ See Reynaudi, p. 164, who says that the Saracens destroyed the sanctuary on the Col di Finestra as early as 887, but dates (p. 174) the sack of Pedona in 906.

⁵⁷ Giuffredo, col. 422; H. Bouche, *Histoire de Provence* (Aix-en-Provence, 1664), ii. 131.

Genoese against his town of Ventimiglia. He gives the Genoese leave to break up and destroy the road leading from Piena to Borgo San Dalmazzo.⁵⁸

The first known individual passage of our pass seems to have been that of Henry, archbishop of Embrun (1250-63), on his way to Rome to be created a cardinal. Marcellin Fornier (1591-1650) tells us that, according to a fragment of a letter written during his journey, it appears that the archbishop passed by Tenda and also Savona.⁵⁹ Now he was created cardinal in December 1261, so that his visit must have taken place in that year.⁶⁰ For some unexplained reason the archbishop seems to have been prevented from taking the natural route from Embrun by way of the Col de l'Argentière (possibly because of the occupation of the Stura valley at that time by the marquess of Saluzzo), so that he had to make the détour by the Col de Tenda, reaching Cuneo by that route and thence going over the Colle d'Altare or di Cadibona direct to Savona. By 1258-9 both slopes of the Col de Tenda were held by Charles of Anjou, so that, as we have seen, in 1259 Cuneo gave itself to him, the counts of Ventimiglia being his vassals. In 1285 by a final peace the counts engaged not to exact any other dues from travellers passing the Col de Tenda, save the customary 'pedagium Tendae';⁶¹ thenceforward they held Tenda and Limone, but not Saorge.

Our pass clearly became more frequented in the fourteenth century, for in 1323 mention is made in the treasurer's accounts of a payment for a messenger dispatched from Nice to Cuneo.⁶² In the same year (can there be any connexion between the two events?) we hear that Tenda, Briga, Limone, and Vernante made an alliance with the town of Mondovi, this involving the crossing of our pass by the Tenda and Briga men.⁶³ In 1352 we hear that the seneschal of Provence, with many of his companions, who came to visit the domains of the count of Tenda, was taken prisoner by the men of the count, but it does not

⁵⁸ *Annales Januenses (Monumenta Germaniae Historica, xviii. 143)*: 'stratam quoque quâ tenditur de versus Pennam ad Burgum Sancti Dalmatii, vel si aliunde mutaretur, frangere et destruere et fractam tenere promisit.' I owe this reference to the courtesy of Mr. Orton. Piena is in the lower third of the Roja valley, a few miles below Breil. The phrase 'aliunde' may possibly, as Mr. Orton suggests, refer to the alternative route over the Finestra.

⁵⁹ *Histoire Générale des Alpes Maritimes ou Cottiennes, et Particulière de leur Métropolitaine Ambrun*, vol. ii (Paris, 1891), p. 3: 'Or, est-il que vous lirez quelque lambeau d'une siène lettre allant à Rome, qui le fait paroître à Tende, chez un des Lascharis, et à Savonne.'

⁶⁰ C. Eubel, *Hierarchia Catholica Medii Aevi*, vol. i (Münster, 1898), p. 8. The cardinal died at Lyons in 1271, having been bishop of Ostia since 1261 (Eubel, p. 34).

⁶¹ Gioffredo, col. 648.

⁶² L. Vaccarone, *I Principi di Savoia attraverso le Alpi nel Medioevo (1270-1520)* (hereafter quoted as 'Vaccarone'), in the *Bollettino del Club Alpino Italiano*, no. 68 (Turin, 1902), p. 19.

⁶³ Manno, ix. 140.

appear on which slope of our pass this event took place.⁶⁴ It would seem, however, that in 1388 the count of Savoy coming from Barcelonnette to take possession of his newly-acquired county of Nice did not cross the Col de Tenda. Having reached Nice by way of St. Étienne de Tinée and St. Martin-Vésubie, he retraced his steps to the last-named village and reached Cuneo by the Finestra—possibly the dangers incurred on the Col de Tenda led to the adoption of this devious route.⁶⁵ For us one clause of this document, by which Nice gave itself to Savoy (28 September 1388), is especially interesting. By article 18 the count agrees to get rid, by conquest or by exchange, of the counts of Ventimiglia, lords of Tenda and Briga, in order to secure uninterrupted communications between Nice and Piedmont.⁶⁶ It is thus clear that the local rulers did not keep order in the neighbourhood of our pass, though a document of 1397 tells us that the counts of Ventimiglia received 200 florins of the salt tax, under the stipulation that they were to keep the way over the pass both open and in good condition.⁶⁷ Possibly this was an attempt to induce them to fulfil their obvious duty. But, as already pointed out, the counts of Savoy tried to carry out their agreement with Nice on at least three occasions (1406, 1419, and 1426) by buying up the rights of the local lords.⁶⁸

That some measure of the kind was necessary is shown by the complaints made in 1419 by the Savoyard officials when trying to fulfil their duties. The treasurer of Nice writes that when he went to take possession of Briga he incurred great personal risk, for he was far away from Nice, and was nearly caught in an ambush on the Col de Tenda by thirty-five armed men of the local count, who intended to capture him and if possible put him to death.⁶⁹ It was perhaps to inspire awe in the hearts of these local robber lords that, after having made

⁶⁴ *Monum. Hist. Patr., Scriptores* iii, col. 989.

⁶⁵ Gioffredo, col. 920, Cais de Pierlas, *La Ville de Nice*, p. 33; Vaccarone, p. 53.

⁶⁶ Gioffredo, col. 925; Cais de Pierlas, *La Ville de Nice*, p. 37; Guichenon (iv, p. 229) gives us the full text: 'Item praeatus dominus Comes, Imperialis Vicarius, solemnī stipulatione promisit, pepigit et convenit dictis Syndicis ut supra stipulantibus, quod ipse teneatur Comites Vintimilii, Dominos Tendae et Briguae, suo posse cohercere et remove per cambium vel conquestam a dominio et tenuta ac possessione dictorum locorum et aliorum quae in dicto comitatu tenent, ad hoc ut passus de Nicia usque in Pedemontem itinerantibus sit apertus.' ⁶⁷ Vaccarone, p. 5.

⁶⁸ Above, p. 202. We hear in 1405 of an arbitration between Count Pietro Balbo-Lascaris, lord of Tenda, and Count Giovanni Balbo-Lascaris, lord of Limone, which may have had something to do with the preparation for the first of these purchases (Manno, ix. 140).

⁶⁹ Cais de Pierlas, *La Ville de Nice*, p. 540 (repeated by Vaccarone, p. 53): 'et à prendre possession (de Briga) je y fus en grand péril de ma personne, car j'étoit loing de Nice, et fu atant que je fus embôchiés sur la montagne de Tente par les gens du comte de Tente, où estoient xxxv homes armés pour moy prendre et fere morir s'ils eussient peu.' The usual name of the pass occurs for the first time in this pathetic description: see above, p. 204.

in the same year (1419) a definitive treaty with the Angevins as to the county of Nice, Amadeus, first duke (since 1417) of Savoy, in person crossed the Col de Tenda from Cuneo to Nice in the spring of 1420. He was attended by ten horsemen, and eleven mules were required to convey his personal baggage, which included tapestries and gold plate.⁷⁰ But the pass still remained unsafe for ordinary travellers, so that in 1425 we hear that of a party of fourteen who crossed from Nice to Cuneo no fewer than ten were killed and the leader put into chains, all by a local bandit chieftain.⁷¹ Even the final Savoyard purchase of local rights in 1426 does not seem to have improved matters much, for in 1439 (January) we read of the ill-treatment received at Limone by Savoyard ambassadors, sent across our pass to the lady of Monaco—how they were beaten, robbed, and hunted by the men of Tenda and of Limone.⁷² About 1430 a certain Paganino del Pozzo, farmer of the salt tax at Nice, is said to have constructed a mule track across our pass.⁷³

Roccavione, just above Borgo San Dalmazzo, is the meeting-point of the routes over the Tenda and the Finestra. Hence either pass (but probably the former) may have been affected by certain customs' tariffs, dated 1478 and 1618 but representing a much older state of things, which are mentioned but not printed by Barelli.⁷⁴

We do not hear anything, unluckily, about the experiences of Duke Charles I, who crossed our pass in October 1488, though he was enthusiastically received at Nice.⁷⁵ Matters seem to have improved in the early sixteenth century, when the middle ages and their picturesque confusion were passing away, while in 1501 the marriage of the heiress of the counts of Tenda to René, the great bastard of Savoy, increased the Savoyard power over the pass. In 1515⁷⁶ there appeared at Paris a remarkable little work by one Jacques Signot, entitled *La totale et vraie*

⁷⁰ Vaccarone, pp. 60-1. The treasurer's accounts for 1437 contain another payment for a messenger from Nice to Turin (*ibid.* p. 21).

⁷¹ *Ibid.* pp. 53-4, note.

⁷² *Ibid.* p. 54, note: 'ont esté très vilainement outragiés, bactuz, feruz, roubéz, et donnéz la chasse, tant à Tande comme à Lymon par les hommes et habitans des dits lieux.'

⁷³ Gioffredo, col. 70.

⁷⁴ G. Barelli, *Le Vie del Commercio fra l'Italia e la Francia nel Medio-Evo*, printed in the *Bollettino Storico-Bibliografico Subalpino*, anno xii, pp. 88, note 1, and 90. In 1618 many sea-borne goods from Genoa are mentioned.

⁷⁵ Vaccarone, p. 69; Gioffredo, col. 1161.

⁷⁶ There is an earlier edition, dated 1507, but I do not know if this contains the following description. The complete text of Signot's book, taken from the 1518 edition (*peneas me*) is printed in this Review, xxx. 682-9. In 1912 there was no copy of any edition of Signot's book in the Bodleian Library at Oxford, or in the University Library at Cambridge, or in the library of the Royal Geographical Society in London. The British Museum possessed the 1518 edition, and two other (undated but later) editions.

Description de tous les Passaiges, lieux et destroitcz, par lesquelz on peut passer et entrer des Gaules es Ytalies. The 1515 and 1517 editions have a map, on which the 'Col de Tende' is named—the first map to mark it. In the text the first known detailed description of the way over our pass is given, stress being laid on the bad and crooked paths, which hardly allowed the asses and mules, laden with salt, to effect the crossing.⁷⁷ In 1520 Duke Charles III, desiring to fortify Nice, crossed our pass twice on the way to and from that town, accompanied by his brother Philip, count of the Gênevois, many of his barons, and no fewer than 200 horses. The most interesting point for us in his journey is the mention in the treasurer's accounts of payments to the guides, who bear the name of 'marroni'.⁷⁸ Finally, in 1536, on 26 June, our pass was traversed by a holy Roman emperor, Charles V, on his way from Piedmont to Nice, but not on his way to or from a coronation at Rome by the pope, for he had been crowned by Clement VII as far back as 1530. Still he is the only emperor who seems to have crossed our pass, so that a memorial of this great event is preserved in an inscription on the church wall at Limone.⁷⁹ In 1575 (finally in 1579), as we have seen,⁸⁰ the county of Tenda became absorbed in the duchy of Savoy, and no doubt the previous unsafe condition of the pass was soon remedied. We are told indeed that in 1591 Duke Charles Emmanuel began a carriage road across it (the first in the Alps), though it was not completed till 1782.⁸¹

In the seventeenth century Pierre d'Avity (1573–1635) reproduces Signot's notice of 1515. But Pietro Gioffredo (1629–

⁷⁷ Signot, p. 5 b of the 1518 edition: 'Le dernier passaige se prent au partier de ladiete ville de Nyce sur main gauche, qui va passer par le mont du Col de Tende, dont le comte est subject au roy [sc. de France] à cause de sa (sic) comté de Provence. Et trouvent l'on après Nyce la Sarenne [L'Escarène], Lospel [Sospel], Saourges [Saorge]. Et de là l'on va à Tende et y a des mauvais et pervers chemins, tellement que à peine les ânes et muletz qui portent le sel de la gabelle de Nyce y peuvent passer. A la descente dudiet Col de Tende commence le plain pays au lieu de Limon [Limone]. Et de là on commence à porter par chariotz ledit sel jusques sur la rivière du Pô.' This description long remained the best, and is reproduced by P. d'Avity in 1637 in his *Description de l'Europe* (iii. 9, of the Paris edition of 1660).

⁷⁸ Vaccarone, pp. 21, 72. The term 'marroni' is often used of the guides over mountain passes, especially in the case of the Mont Cenis and the two St. Bernards, particularly of the Great St. Bernard. See my note on this point in *Josias Simler et les Origines de l'Alpinisme jusqu'en 1600* (Grenoble, 1904), pp. 51**–55**. It is found as early as the tenth century, and is still current, under the form 'Maronnier', at the Hospice of the Great St. Bernard. No instance, save that of 1520, seems to be recorded of its employment with regard to the Col de Tenda.

⁷⁹ Reynaudi, p. 113: 'Anno 1536, die 26 iunii, Carolus v Imperator pertransivit Montes Corniae'. Gioffredo (col. 1322), by a slip, says the passage was made at the end of July, but notes that he himself (1629–92) had read the inscription *in situ*.

⁸⁰ Above, p. 204.

⁸¹ Reynaudi, p. 114. In 1574 Josias Simler in his *De Alpibus Commentarius* oddly makes no mention of our pass (see my edition, p. 34), though it is duly mentioned in 1581 by E. P. de Pignon, the genealogist of the House of Savoy.

92), the special historian of the maritime Alps, has much more to say of our pass and its neighbourhood. We have quoted his *Storia delle Alpi Marittime* many times in the preceding pages. As a contemporary witness it is interesting to read his curious notice⁸² of the tunnel under the pass, planned and partly executed by Charles Emmanuel I (1580-1630), as well as the mule path carried over it. He then goes on to describe this 'Cà' or hospice for travellers (probably built by the duke of Savoy) half-way up the Limone slope of the pass. He says it was an 'antico spedale' with a church annexed dedicated to the Blessed Trinity, the whole then belonging to the religious and knightly order of SS. Maurice and Lazarus.⁸³ It is marked on a number of maps, such as Nolin's (1691), De l'Isle's (1707), Visscher's (c. 1710), and Dheulland's (1748). It stood at the beginning of the steepest bit of the south slope of the pass. Gioffredo also tells us⁸⁴ that the right track was marked out by stakes (as was also the case with the Mont Genève, according to Ammianus Marcellinus) so as to guide parties encountering a storm, while the route could be much shortened by what the natives call 'ramasse', that is, tobogganing down on wooden sledges.⁸⁵

L. Raiberti repeatedly lays stress on the fact that both the construction of the mule path across our pass in 1592 and that of the carriage road in 1773 greatly damaged the trade over the Col di Finestra and past the village of St. Martin-Vésubie at its south foot, for previously the way over the Tenda had been very dangerous and difficult, so that the roundabout route by the Finestra was preferred. He states also that the 'Cà' on the

⁸² Col. 71: 'Per l'accomodamento della quale [i.e. the traversing of the pass] detto Duca Carlo Emanuele, con industria a paragonarsi a quella degli antichi Romani, no ebbe a noia di largamento per mezzo del Barone Bottino, gabelliere altresì generale, spendere il suo oro, tentando eziandio di rendere practicabile la montagna di Corno, o sia il Tenda, con una buca o foro, quale dalla parte di Limone doveva terminarsi alla parte opposta, dove è lo Spedale detto della Cà.' See too col. 28. Here is the text of the inscription set up by the duke: it is given by Gioffredo, col. 71, by Brockedon, *Passes of the Alps*, ii. 64, and by Raiberti, *Sanctuaire de N. D. de Fenestres*, 1858, p. 418:

'1592. Publ. Cismont. Ac Citramont. Ditionis Bono
Ital. Ac Totius Orbis Commodo
Inviis Utrinq. Alpium Maritim. Praecipitiis
Ferro Flammaque Praecisis
D. Car. Emanuel iiii Sabaud. Dux xi P.P.P.P.
Pace Belloque Feliciss.
Proprio Motu Prop. Sumptu Prop. Industria
Hanc Viam Basil.
Perfecit.'

⁸³ Gioffredo, col. 70; see also col. 27. In 1829 this hospice was figured on plate 4 of Brockedon's book.

⁸⁴ Col. 28.

⁸⁵ This practice was specially adopted on the Mont Cenis: see the note in my *Josias Simler*, pp. cxli-iii, in connexion with which we hear of it in 1476, 1489, 1518, 1581, and 1588.

Tenda side of the pass was built by the Benedictines of Pedona or Borgo San Dalmazzo, and that in 1592 it was given by Charles Emmanuel to the knights of SS. Maurice and Lazare.⁸⁶ Another sign that the way over our pass had been much improved is the fact that in 1627 a regular postal service, twice a week, was established between Turin and Nice.⁸⁷ In 1656 Pierre Du Val, in his description of Italy, describes the way over our pass as 'une route bien pénible'.⁸⁸

As Nice and its region were occupied by the French, 1691-6, 1705-13, and 1744-8, it was but natural that the eighteenth-century French topographers should pay attention to our pass, especially after 1713, when the adjoining region of Barcelonnette passed by the treaty of Utrecht from Savoy to France. The Tenda was traversed on several occasions by the Savoy princes, so in 1703 by Victor Amadeus II, in 1707 by the same duke accompanied by Prince Eugene, and in 1742 by his son, Charles Emmanuel III, king of Sardinia (the crown of which had been obtained by his father in 1720).⁸⁹ La Blottière speaks of the longing felt by the celebrated French general Catinat (of course before Barcelonnette became French in 1713) to secure Cuneo and then to provision it from Nice and Provence by means of our pass.⁹⁰ In August 1747 the Austro-Sardinian troops seem to have occupied our pass, but it was really only a feint to mislead the Franco-Spanish army and to prepare for an attack in force more to the north.⁹¹

Later the official French topographers and military writers, Maulevrier-Colbert (1748), de Paulmy (1752), de Pezay (1775), all allude to our pass, with longing and desire. In 1777 'Montannel'⁹² gives us several practical hints as to the track across it. At p. 328 he writes: 'Il est fort bon pour les chevaux et

⁸⁶ L. Raiberti, *Aperçu historique sur le Sanctuaire de Notre-Dame de Fenestres* (Nice, 1898), pp. 238-40, 419-20, 444.

⁸⁷ *Rivista Mensile* of the Italian Alpine Club, xxxii, 1913, p. 198.

⁸⁸ Quoted by Gioffredo, col. 68.

⁸⁹ La Blottière, *Mémoire concernant les Frontières de Piémont, France et Savoie* (printed at Grenoble, 1891), pp. 3, 6; Bourcet, p. 201; Reynaudi, p. 113, who recalls how, in March 1707, a strong man of Limone carried on his shoulders the duke, surprised by a sudden storm, up to the huts of Limonetto, high on the Limone slope of the pass. The Savoyard army crossed the pass in July 1707, and recrossed it in August, after failing to take Toulon, though aided by their English and Dutch allies.

⁹⁰ La Blottière, p. 35. Catinat lived from 1637 to 1712.

⁹¹ F. E. de Vault, *Mémoire sur la Guerre de la Succession d'Autriche*, published by P. Arvers (Paris, 1892), i. 780 and ii. 637-9.

⁹² 'Montannel,' *La Topographie Militaire de la Frontière des Alpes*, edited by A. de Rochas d'Aiglun (Grenoble, 1875), after an autograph manuscript dated 1777 (p. xlvi of the preface). Montannel also alludes to our pass at pp. 8, 10, 13, 21, 30, 244, 329-30, 465, 544, and 566. 'De Montannel' is the aristocratic title of Michel Jean Augustin Cruels (1714-85). His work is of the greatest value and importance for the history of the Western Alps.

peut s'accommoder pour le canon.' At p. 454 he is more detailed: 'Cette route est très bonne pour les bêtes de charge et une troupe, telle qu'un bataillon, peut la parcourir en quatre jours de temps. Au surplus elle peut s'accommoder pour le canon, mais elle exige pour cela beaucoup de travail et par conséquent beaucoup de temps et de dépense; sans compter qu'on serait obligé d'y employer, en quelques endroits, les poulies et les cabestans.' These details are most interesting, since it was between 1779 and 1782 that Victor Amadeus III completed the carriage-road across the Col de Tenda, so that Montannel's descriptions refer to the state of things immediately preceding.⁹³ Thus came to an end the chief occupation of the men of Limone, who since 1388 (1575) had enjoyed the monopoly of transport across the pass. At one moment they owned 2,000 mules for the conveyance of travellers and goods. The Limone men enjoyed a great reputation for courage and strength, but this was of little avail after 1782, and they gradually sank into mere muleteers or were employed simply to keep the road clear, the change having greatly impoverished them. The Tenda men never seem to have had as much to do with the pass, which was more important to the Piedmontese than to the Niçois.⁹⁴

By a lucky chance we possess two English accounts of the passage of the Col de Tenda, one by Tobias Smollett, the novelist, early in 1765, before the carriage-road, and the other by Arthur Young, who made the journey in 1789 after that road had been finished.

Smollett's account of the crossing of the actual pass is as follows: ⁹⁵

Turin is about thirty leagues from Nice, the greater part of the way lying over frightful mountains covered with snow. The difficulty of the

⁹³ The inscription set up bore the date of 1773, but was destroyed by the French in 1794. Here is the text (as given by Raiberti, p. 419):

'1773. Victorius Amedeus iii Rex Sardiniae
Utilitati Publicae Subalpinas Inalpinasque
Et Esped tiorem Per Provincias Subalpinas Inalpinasque
Mercium Comportationem Ad Ora Maritima
Singulari Providentia Et Mira Constantia
Viam Hanc A Carolo Eman. i. Sabaudiae Duce
Sarcinariis Iumentis Pridem Apertam
Rupibus Excisis Asperrimis Montium Iugis Aequatis
Pontibus Impositis Aggeribus Substruetis
Latam Ped. xviii Agendis Vehiculis Aptissimam
Et In Planitiem Fere Redactam
Et Lumone M. P. xlv Nieaeam Usque
Deduxit Munivit.'

⁹⁴ Joanne, *Les Villes d'Hiver de la Méditerranée* (1864), p. 379.

⁹⁵ I quote the text given in the 'World's Classics' (1907). In the original edition of his *Travels* (1766), the letter describing his journey is dated 'Turin, March 18, 1765', and is addressed to 'To Dr. S—— at Nice'. But certain phrases in it suggest

road, however, reaches no farther than Coni, from whence there is an open highway through a fine plain country. . . . There are only two ways of performing the journey over the mountains from Nice; one is to ride on mule-back, and the other to be carried in a chair. The former I chose, and set out with my servant on the seventh day of February at two in the afternoon. I was hardly clear of Nice when it began to rain. . . . We took our departure hence⁹⁶ at three in the morning, and at four, began to ascend the Col de Tende, which is by far the highest mountain in the whole journey: it was now quite covered with snow which at the top of it was near twenty feet thick. Half way up, there are quarters for a detachment of soldiers, posted here to prevent smuggling, and an inn called La Cà, which in the language of the country signifies 'the house'. At this place we hired six men to assist us in ascending the mountain, each of them provided with a kind of hough to break the ice and make a sort of steps for the mules. When we were near the top, however, we were obliged to alight, and climb the mountain supported each by two of these men, called Coulants, who walk upon the snow with great firmness and security. We were followed by the mules, and though they are very sure-footed animals, and were frost-shod for the occasion, they stumbled and fell very often; the ice being so hard that the sharp-headed nails in their shoes could not penetrate. Having reached the top of this mountain, from whence there is no prospect but of other rocks and mountains, we prepared for descending on the other side by the Leze, which is an occasional sledge made of two pieces of wood, carried up by the Coulants for this purpose.⁹⁷ I did not much relish this kind of carriage, especially as the mountain was very steep, and covered with such a thick fog that we could hardly see two or three yards before us. Nevertheless, our guides were so confident, and my companion, who had followed the same way on other occasions, was so secure, that I ventured to place myself on this machine, one of the Coulants standing behind me, and the other sitting before, as the conductor, with his feet paddling among the snow, in order to moderate the velocity of the descent. Thus accommodated, we descended the mountain with such rapidity that in an hour we reached Limon, which is the native place of almost all the muleteers who transport merchandize from Nice to Coni and Turin. Here we waited full two hours for the mules, which travelled with the servants by the common road. To each of the Coulants we paid forty sols, which are nearly equal to two shillings sterling. . . . We took six hours to travel from the inn where we had lodged over the mountain to Limon, and five hours from thence to Coni. Here we found our baggage, which we had sent off by the carriers one day before we departed

that it was really written at Nice, where Smollett certainly was, as shown by the dates of other letters, on 10 and 18 March of the aforesaid year. The wrong date was probably corrected in a later edition, from which the 1907 text was reprinted,⁹⁸ but the journey is still described as from Nice to Turin. Apart from these questions of dates we may assume his description (letter 38, ii. 215-20) to represent the state of things in 1765.

⁹⁶ i.e. on 9 February from the village of Tenda, of which he says, 'we had very little reason to boast of our entertainment'.

⁹⁷ See below as to 'Leze', later spelt 'lege' and 'lige' and now 'luge'.

from Nice; and here we dismissed our guides, together with the mules. In winter, you have a mule for the whole journey at the rate of twenty livres; and the guides are paid at the rate of two livres a day, reckoning six days, three for the journey to Coni and three for their return to Nice.

He explains that the reason for his very early start was to avoid 'inconveniencies and dangers which attend the passage of this mountain'—these are (1) the meeting with long strings of loaded mules, and having to turn into a 'doubling or elbow' (such as the muleteers have made at different points of the road) and wait in the cold till they have passed; (2) the danger from the 'valanches' (which are described). The track is said (under 1) to be 'a slippery road, the breadth of which does not exceed a foot and a half'. It does not seem clear, therefore, how three porters could walk abreast upon it, one between the shafts of the chair and one on each side of it. This method of carrying across the pass was described to Smollett by a countess whom he met at Coni, and who also had come from Nice. Many touches in this very vivid narrative were borrowed thirty years later by Albanis Beaumont wherewith to enliven his own tale. This countess had

made the same journey in a chair, carried by porters. This is no other than a common elbow-chair of wood, with a straw bottom, covered above with waxed cloth, to protect the traveller from the rain or snow, and provided with a foot-board upon which the feet rest. It is carried like a sedan-chair; and for this purpose six or eight porters are employed at the rate of three or four livres a head per-day, according to the season, allowing three days for their return. Of these six men, two are between the poles carrying like common chairmen, and each of these is supported by the other two, one at each hand; but as those in the middle sustain the greatest burden, they are relieved by the others in a regular rotation. In descending the mountain they carry the poles on their shoulders, and in that case four men are employed, one at each end.

Here, too, Albanis Beaumont in 1795 borrowed many phrases.

Naturally, the opening of a carriage-road over a mountain pass means that travellers, and not merely merchants and armies, undertake the journey, formerly so laborious, but now rendered so much easier. And this was the case with the Tenda, the *first* carriage-road over an Alpine pass, though in the case of the St. Gotthard, 25 July 1775, a carriage had previously forced its way across another pass.⁹⁸ The first English traveller of whom it is recorded that he crossed the Tenda in a carriage was Arthur Young, the famous writer on agricultural subjects. His journey took place late in September 1789. He departed from Nice on

⁹⁸ This was done by an Englishman named Greville, a famous mineralogist: see H. B. de Saussure, *Voyages dans les Alpes*, iv. 33.

21 September with three companions, in a carriage owned and driven by the Cuneo 'vetturino', Luigi Tonini, and paid seven French crowns for his place.⁹⁹

The 22nd. The mountain we crossed to-day is yet more savage than that of yesterday; much of it wild, and even sublime. The little town of Saorgio and its castle are situated most romantically, stuck against the side of a mountain, like a swallow's nest against the side of a house . . . the blackness of this town, and the total want of glass, make it gloomy as well as romantic; indeed the view of all these mountain-towns, where there may be so much happiness with so little appearance of it, is forbidding. Tende, which is the capital of a district, and gives its name to this great range of mountains (Col de Tende), is a horrid place of this sort, with a vile inn; all black, dirty, stinking, and no glass. 30 miles.

The 23rd. Out by four in the morning, in the dark, in order to cross the Col de Tende as soon after break of day as possible, a necessary precaution they say, as the wind is then most quiet; if there is any storm, the passage is dangerous, and even impracticable; not so much from height [sic] as from situation, in a draught of wind between Piedmont and the sea. The pass in the rocks, for some distance before mounting the hill, is sublime; hemmed in among such enormous mountains and rocks, that they reminded me a little of the amazing pass in the Pyrenees, but are much inferior to it. In the face of one of them is a long inscription [1773] to the honour of Victor Amadeus III for making the road; and near it an old one [1592], purporting that the eleventh duke of Savoy made the old road, to connect Piedmont and Nice, *a proprie spese con tutta diligenza*.¹⁰⁰ This old road is passable only by mules, and is that by which Mr. Dutens passed the Col de Tende.¹⁰¹ I shall observe once for all that the new one is a most useful and princely undertaking. From within a few miles of Nice, where it is not finished, to Limon cost 3,500,000 livres (£175,000). It winds prodigiously, in order to pass the steepest mountains in such angles as to admit carriages without difficulty. The worst part is that which goes up to the Col de Tende; this has not been made with equal attention as the rest, perhaps because they have begun to execute a vast design of perforating the mountain. At present, notwithstanding the goodness of the road in summer, it is absolutely impassable in winter for carriages, and with difficulty sometimes even with mules, owing to the immense falls of snow. They have opened a cavern like a vault of rock, about thirty *trebulchi* long and wide enough for carriages to pass, but it soon divides into two passages, one for going and another for returning, which is found cheaper than one large enough

⁹⁹ *Travels during the Years 1787, 1788, and 1789*, i. 190-2 (Bury St. Edmunds, 1792).

¹⁰⁰ The exact words are (see above, p. 213, note 83) '*proprio motu, proprio sumptu, propria industria*'; this inscription was set up by Charles Emmanuel I.

¹⁰¹ Louis Dutens (1730-1812), a Huguenot refugee, who was chaplain to the British Legation at Turin in 1758, and *chargé d'affaires* there 1760-2 and 1763-6, being presented to the living of Elsdon in 1766. His passage of our pass, therefore, must have taken place between 1758 and 1766.

for both; but the whole will be above five hundred *trebulchi*, and will demand such an expense as leaves little hope of seeing it executed in this century.¹⁰² Descend into the rich and beautiful vale of Piedmont.

In 1786 Robilant briefly notices our pass and the new road across it.¹⁰³

More important than either of these accounts is that published in 1795 in English at London by Albanis Beaumont, under the title of *Travels through the Maritime Alps from Lyons to Italy across the Col de Tende*. It is a folio containing 128 pages of text and eighteen superb lithographs in sepia, of which ten refer to the route over our pass from Cuneo to Nice. It is the most sumptuous work that has ever been devoted to the Tenda. Albanis Beaumont (1753-1811) was born near Chambéry, but between 1775 and 1780 was sent to the county of Nice by the king of Sardinia as 'ingénieur-hydrographe'. He then became tutor to George III's son, the duke of Gloucester, with whom he made many journeys, and was naturalized an Englishman. But he left England for good in 1796, after having published in England a number of works relating to his Alpine travels, among them the folio just mentioned.¹⁰⁴ His sojourn at Nice naturally led to frequent journeys across our pass, for the last time on 27 April 1785 (p. 35).¹⁰⁵ He naturally gives us many interesting

¹⁰² The mouth of this tunnel, on the Limone side, is figured on plate ii of Beaumont's 1795 book.

¹⁰³ Robilant, pp. 250-1: 'Au-dessus de Limon on passe le col de Tende, qu'on monte par une pente assez accessible et presque toute d'ardoise schisteuse, et qu'on descend par une côte dont les couches font différens ressauts vers le midi. L'on y voit une suite de bancs calcaires et rapides qui se succèdent les uns aux autres. Ce n'est que par une route remplie de gorges affreuses qu'on parvient à Tende: mais le Roi régnaient vient d'y faire entreprendre un grand chemin qui portera toujours l'empreinte de cette magnificence Royale qui l'a fait exécuter pour l'avantage et la commodité de ses sujets.'

¹⁰⁴ For the facts of his life see *La Montagne*, vii. 504 seqq. (Paris, 1908). He died and was buried at Sixt (1811), where in 1809 he had acquired certain iron mines.

¹⁰⁵ Some time before 1788 Count Morozzo made several journeys in the dominions of the king of Sardinia for the purpose of measuring different points therein, in order ultimately to determine the elevation of Turin. His report was published in vol. iv ('années 1788-9') of the *Mémoires de l'Académie Royale des Sciences de Turin*, and is entitled 'Sur la mesure des principaux points des Etats du Roi et de leur véritable élévation au-dessus du niveau de la mer'. At the end of this article three tables are placed, giving the details of some of these measurements. In no. 1 we have the observed heights of various spots on the route of the Col de Tenda: The Col de Braus is 502 toises 1 pied 6½ pouces (about 1,004 m., modern height 999 m.), and the Col de Brouis 420 toises 2.6½ (i. e. about 840 m., modern height 838 m.). The inn (Croce Bianca) at the village of Tenda is stated to be 399 toises 1.2½ (i. e. about 800 m., modern height 815 m.), the summit of the Col de Tenda is put at 921 toises 4.6½ (i. e. about 1,842 m., modern height 1,873 m.), and Limone is said to be 491 toises 4.6½ (i. e. about 982 m., modern height 1,009 m.). It will be seen that these figures do not differ very much from those obtained in recent days. Possibly these represent the first scientific observations made on our pass and its immediate environs.

Between pp. 16 and 17 are inserted two folding lithographic plates, both drawn by the Abbé Lirelli, 'Géographe de l'Académie' for Morozzo (see his text, p. 3). On

details as to our pass. He fixes 1789 as the date of the completion of the road across the pass (p. 3), but carriages could pass already in 1788 (p. 46), while he states that the tunnel (about $1\frac{1}{2}$ mile in length) beneath the pass was begun again in 1782 and was continued till the French took possession of the pass early in 1794 (p. 36). He figures on his plate ii the Limone mouth of this tunnel. He describes (pp. 38-9) the 'Cà' or hospice in the following words :

A large building which from the thickness of its walls and formidable appearance, might be taken for a fortification. This house, which is of free-stone and vaulted, was erected by his Sardinian Majesty as an asylum or resting-place to the distressed traveller, or others, who might be desirous of sheltering themselves. Although the refreshments and accommodations are neither sumptuous nor abundant, and the building scarcely more than the bare walls, yet thus sheltered from the inclemency of the weather, plenty of straw on which to stretch one's limbs, a dry biscuit, indifferent wine, and a good fire, are comforts not to be totally despised, and stand in lieu of the greatest luxuries to a wearied or distressed traveller. When the company is numerous, which is often the case, and that the fire-place is not found sufficiently large to warm and comfort them all, it is then lighted in the centre of the apartment, where a circle is formed, when each with equal anxiety relates his little tale, till the storm is bated, and the weather allows them to resume their journey.

But on top of the pass there was then only (p. 38) ' a pillar with a niche, containing a figure of the holy virgin, which the people of the country call " La Madona de bonne rencontre " '.

At Limone (pp. 33-4)

Travellers are accommodated with mules, porters, or coulants, in order to cross this formidable pass. The porters are men who carry those who prefer it in a kind of sedan, or, more properly, a wooden chair, with a straw bottom, covered with waxed cloth, to protect from rain, snow, &c., with a board for the foot to rest on. Four or six men are employed in carrying it, and they relieve each other in rotation; the coulants, who walk on the snow, with great firmness and security, draw or conduct a kind of sledge, called Lege, one of the coulants standing behind, and the other sitting in front, by way of conductor, with his feet paddling among the snow to moderate the velocity of its descent. Those who object to that velocity, which is extreme, may be drawn by one man only, who, as well as the rest, has his shoes frost-shod for that purpose.

Even modern travellers will in the former method of conveyance recognize a variety of the 'chaises-à-porteurs', formerly so

plate i the pass is shown as a high *peak*, towering over the high road, which is figured from Nice till it disappears in the tunnel *under* the Col, while, oddly enough, it does *not* reappear on the Limone side. On pp. 9, 10, and 11 of his text Morozzo (writing in 1788) speaks of the 'nouveau chemin' from Nice to Turin, thus clearly referring to the new road completed in 1782.

much used in Alpine regions, while the latter plan is a kind of tobogganing, carried out rather after the idea of wood-cutters' sledges in winter, steered by one man in front, and held back by another. The word 'Lege' is simply that now spelt 'luge'.¹⁰⁶ At the village of Tenda (p. 47) 'coulants, porters, and mules are stationed as at Limon, and the pass across the mountain is generally reckoned to be from five to six hours. His Sardinian Majesty, during the winter months, keeps at Limon eighteen mules at his own expence, totally for the use of travellers, "pour frayer le chemin". These mules daily cross the mountain, and are generally followed by travellers; but if they do not arrive in the course of the day at either Limon or Tende, the mountain is deemed impassable.'¹⁰⁷

In June 1793 the French army, under Brunet, tried in vain to carry the heights of the Aution (6,824 ft.), just north of the Col de Raus and said to be the loftiest battlefield in Europe.¹⁰⁸ But in April 1794 the French, under Massena, forced their way from the sources of the Tanaro over the Colle Tanarello, thus gaining Briga at the south foot of our pass. The fortifications of Saorge were abandoned by the Sardinians, and on 8 May the French troops took possession of the Col de Tenda, occupying also the various parallel passes between it and the Col de l'Argentière.¹⁰⁹ Another event in the history of our pass was its passage in 1804 and in 1809 by Pope Pius VI, on his way to and from Paris as a captive of Napoleon.¹¹⁰

The completion of the carriage-road came, however, too late for the commercial prosperity of the pass. When Piedmont and Liguria were mere Departments of France (1800-14) the silk and rice imports were brought over the Mont Cenis, which too obtained a carriage-road between 1803 and 1810. The commerce of the Col de Tenda became limited to local products, such as oil, and supplies for the army.¹¹¹ A further blow at the importance of our pass was the annexation of Genoa and its territory (which were French from 1797 to 1814) to Piedmont in 1815, the kings of Sardinia thus obtaining a far better seaport than Nice, and one whence goods could be more easily conveyed to Piedmont over the low Colle d'Altare (1,624 ft.) than over the more laborious and loftier Col de Tenda (6,145 ft.).

William Brockedon's passage of the Tenda probably took

¹⁰⁶ We find the form 'lige' in 1518 in connexion with the Mont Cenis (Vaccarone, p. 72, note 2).

¹⁰⁷ The distance from Limone over the pass to Tenda by road is rather under 21 miles. Of course it is much shortened by using the tunnel, opened in 1883

¹⁰⁸ J. Perreau, *L'Épopée des Alpes*, ii. 309-11 (Paris, 1912).

¹⁰⁹ Perreau, ii. 335-7.

¹¹⁰ *Rivista Mensile* of the Italian Alpine Club, xxxii. 198 (1913).

¹¹¹ F. E. Foderé, *Voyage aux Alpes Maritimes*, ii. 417 (Paris, 1821).

place in 1826, 1827, or in 1828, for it is not described in his *Journals of Excursions in the Alps*, which includes his alpine travels of 1824-5, while vol. ii (in which the Tenda is included) of his *Illustrations of the Passes of the Alps* was published in 1829. But he does not give us (pp. 66-7) many new details. He mentions the 'Cà' and also a small inn on the very summit of the pass. He attributes the credit of beginning the tunnel underneath the pass to 'Anne, duchess of Savoy', but she died in 1462, more than a century before 1591, the true date of this event. More important than the text of Brockedon are the four fine steel engravings which picture various scenes on the Tenda route, one being of the 'Cà' itself, which then closely resembled the ordinary type of hospice of that day. Brockedon could only find the 1592 inscription,¹¹² but states that Sulzer in 1776 mentions that of 1773, which was destroyed by the French in 1794.¹¹³

The annexation of the county of Nice to France in 1860 also greatly damaged the prosperity of our pass, for, as pointed out above,¹¹⁴ the middle reach of the Roja valley then became French, though the upper (Tenda) and lower (Ventimiglia) bits remained Savoyard. This break of political continuity at once prevented trade from going straight down the entire valley of the Roja from the pass to Ventimiglia, while on the other hand the customs' duties levied on entrance into the middle or French stretch of the Roja valley greatly impeded commercial communications. Of more recent years the opening of a tunnel (two miles long) through the mountain in 1883 for the carriage-road, followed in 1900 by the opening of the great railway tunnel (five miles) at a still lower level, have indeed brought the village of Tenda itself (in 1915 the line was opened as far as San Dalmazzo di Tenda, 2½ miles lower down) into closer connexion with Cuneo, but the further progress of the railway line is hindered by the French 'enclave' of Fontan, Saorge, and Breil, so that advance towards Ventimiglia was practically impossible. Even the Niçois and their winter guests do not now need to use our pass, for railways from Nice to Marseilles and Genoa, and then in either case northwards, permit them to avoid the Alps. As it is now forbidden by the military authorities to go over the pass (you can always go through the tunnel), travellers can no longer enjoy (as did the writer of these lines in August 1879) the marvellous alpine view from the summit of the Col de Tenda, which includes Monte Viso, Monte Rosa, the Matterhorn, the Dent Blanche, the Grand Paradis, &c.; our pass has become a mere backwater, so to say. The student of history alone will

¹¹² ii. 65, note 1.¹¹³ Joanne, *Les Villes d'Hiver de la Méditerranée*, p. 368 (1864).¹¹⁴ *Ibid.*, p. 197.

care to visit it. He can still set eyes on the massive 'Cà' on the Tenda side, above the countless zigzags of the carriage-road. On the Limone slope he can examine the traces (not far from the carriage-road) of the old sixteenth-eighteenth century tunnel. At a certain point he may choose between going to the right by the historical mule-path, or straight on by the carriage-road of 1782, or to the left through the 1883 tunnel, by which he can save some eight miles between Limone and Tenda, or he may simply go through the railway tunnel. Few, if any, other alpine passes can show such a series of different tracks, made at different periods of its history—the ancient mule-path, the 1782 carriage-road, the ruins of the first tunnel, the newer tunnel of 1883, and finally the railway tunnel completed in 1898.¹¹⁵ But the glory of the pass has passed away, and it is now even more unfrequented than most alpine passes over or beneath which communications have been made more easy of late years. In short, the Col de Tenda has seen its day and has fallen into almost complete oblivion. But once it was one of the great historical passes of the Alps.

The railway line is being pushed on in the Italian portion of the region, both below Tenda and above Ventimiglia. But the works on the French side and over the two minor passes to Nice progress more slowly. Perhaps when the two lines are quite finished the Col de Tenda will be again frequented, though not as of old, for a pass traversed by a tunnel *beneath* its crest can never, historically speaking, be the rival of one *over* whose summit leads a mule-path or a carriage-road. It has ceased to be a 'pass', for a tunnel may be pierced anywhere.

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¹¹⁵ Bobba, pp. 21, 23.

(To be continued.)

[NOTE.—In consequence of a series of misadventures this article is published without its having been revised by the author. For any errata in it therefore the editor is alone responsible. He hopes to be able to supply any corrections which may be necessary in the July number.]

Public Opinion and the General Election of 1784

IT is a widespread belief, to be found alike in text-books and in solid histories, that the return in the general election of 1784 of a majority in the house of commons favourable to Pitt's administration is a demonstration that public opinion was on the side of that minister and made itself felt in that election. Professor C. M. Andrews merely states the general view when he says :

These elections stand as a landmark in British history, because they represent a victory of the voting constituencies over corrupt political leaders who fought and intrigued for control, without regard for the welfare of the kingdom.¹

Fortunately, however, we are not without explicit information concerning the manner in which that election was conducted, and therefore we are not obliged to accept the illogical view that it was decided by a force which, as is well known, had not been the dominant factor in previous elections and did not become such for a long time afterwards.

The story of the events that preceded the election of 1784 has been often told, but it deserves to be told again from a different point of view. We shall, however, here limit our inquiry to the manner in which the election was conducted. When Lord Shelburne resigned, in the spring of 1783, George III did his utmost to persuade William Pitt, the chancellor of the exchequer, to organize an administration. The young minister declined the task on the ground that he saw no present prospect of being able to obtain the support of a majority in the house of commons.² The king could not induce any of his friends to accept the

¹ *Short History of England*, p. 348. Cf. Lecky, *History of England in the Eighteenth Century*, v. 25; William Hunt, *Political History of England*, x. 254, 280; C. Grant Robertson, *England under the Hanoverians*, pp. 302-5; T. F. Tout, *An Advanced History of Great Britain*, p. 589; Arthur D. Innes, *A History of England and the British Empire*, iii. 387-9; Allen C. Thomas, *A History of England*, p. 449; Benjamin Terry, *A History of England*, p. 954 (5th ed.); Arthur Lyon Cross, *A History of England and Greater Britain*, pp. 812-13; Henry W. Meikle, *Scotland and the French Revolution*, p. 26.

² See my article in the *American Historical Review*, xviii. 255.

responsibility which Pitt had declined, and was obliged ultimately to fall back upon a coalition of interests under the leadership of Fox and North. Pitt spent the first few months after his retirement from office negotiating with his cousin, Lord Temple, and then, in the latter part of the summer, made his one short visit to the Continent. In December, after the house of lords had rejected Fox's India bill, which had passed by a large majority in the commons, he accepted the appointment which he had refused in March, though to all appearances nothing had transpired which made it more likely that he would get the support of a majority in the house of commons in the winter than in the spring. What is the explanation? No one knew better than Pitt that it was not possible long to carry on the government of Great Britain without the support of the commons. There was no indication on the surface that members of parliament would falter in their allegiance to Fox and North. Nor is it reasonable to conclude that Pitt was actuated by a conviction that ministers' proposals concerning India were so fundamentally wrong that they would arouse a storm of popular protest and so win support for him. The subsequent Indian policy of his own administration excludes any such assumption.

What actually happened was this. The overthrow of the coalition and the accession of Pitt were the result of a carefully prearranged plan which was exceptional in character, even in that time of irregular political methods. In March 1783 there were only two groups of British politicians who were in genuine earnest in their opposition to Fox and North: on the one hand the group known as the king's friends, who were naturally opposed both to the policies and the principles of the coalition, and on the other the remnants of the old Chatham party, who, since the resignation of Shelburne, were under the leadership of Pitt, and who for many reasons had little hope of ever being able to co-operate with either Fox or North. These two groups confessed their inability to carry on the government under existing circumstances, even with the powerful assistance of the king, when they left George III no alternative but to surrender to Fox and North. The ministry, however, now proposed thoroughgoing changes in the organization of the most powerful institution in the kingdom, apart from the government itself—the East India Company. The result was that this commercial interest, always powerful in politics but recently split into conflicting factions, became for the time being united in the determination to avoid at any cost the danger with which it believed itself to be threatened by the proposals of the government. Naturally the representatives of the Company turned for help to the other parties that had grievances against the ministry. It was equally natural

that the supporters of both Pitt and the king, regardless of their previous attitude towards the Indian question, should now become zealous champions of the sacredness of rights granted by charter. Hence arose an alliance which was destined to overthrow the coalition.

In this new combination the Chatham party was represented by Pitt and Temple, who had the assistance of their newly made ally, Henry Dundas; the king's friends were represented by Charles Jenkinson, advised by the former lord chancellor, Thurlow; the Company was represented by Governor Johnstone and Richard Atkinson, who had recently become a proprietor and was soon made a director because of his active participation in the contest which we are about to describe. John Robinson, North's old patronage secretary to the treasury, a trusted friend of the king as well as an intimate of Jenkinson and Atkinson, was in the secret and furnished expert advice concerning the manner of obtaining control of the house of commons. To avoid suspicion, however, he was kept in the background until the time was ripe for him to intervene. On 3 December Atkinson wrote to him: 'Everything stands prepared for the blow if a certain person has the courage to strike it.'³ And a fortnight later, on the 18th, the day after the East India bill was rejected by the lords, he asked Robinson to come to town, saying:

I expect Mr. Dundas at Johnstone's after he shall have seen Mr. Pitt. I am clearly of opinion that after the debate of last night disguise will no longer disguise anything, and is therefore absurd. I have suggested the sending you an ostensible signification of commands to give information, and hope you will agree in opinion that the kind of communication which will now become hourly necessary cannot be carried on at ten miles distance, and that you will come to Town tonight or tomorrow.⁴

Writing to Robinson five days before, Jenkinson had said: 'This is a bold measure, but things are in the hands of men of resolution.'⁵ And so they proved to be. Without arousing the suspicion of ministers, who had a majority pledged to support the India bill in the lords, they succeeded, by inducements or threats, in getting the measure thrown out with the assistance even of some peers who had promised to support it. The king thereupon dismissed his ministers and put Pitt with representatives of the various groups of the opposition in office. Their first task was to bring the house of commons into line.⁶

³ *Historical Manuscript Commission, Tenth Report*, app., part vi, p. 61.

⁴ *Ibid.* p. 63.

⁵ *Ibid.* p. 62.

⁶ Much of the information necessary to piece together an account of this coalescing of the Chatham party, the king's friends, and the Company, may be found in the excerpts from the papers of John Robinson, now in the possession of the marquis of Abergavenny, published in the Report above cited. But other evidence from those papers is not yet published.

Before passing to the general election of 1784 we may notice that some of the conditions attending the parliamentary election of 1780 were completely changed four years later. In 1780 North and his personal following had co-operated with the king's friends and had made use of all the resources of the government and the prestige of the sovereign in behalf of the members whom they desired to see returned. Many of North's own supporters were, therefore, brought in by influences which were now hostile to him, or their seats were purchased with funds obtained from sources no longer available to him. In 1780, too, the whigs and the Chatham party had worked together in constituencies in which neither party had a predominant influence, whereas now the Chathamites were allied with the king's friends. Moreover, the East India magnates, who had been divided, were now acting practically as a single force. Consequently there was a general readjustment of personal alliances among the local politicians which upset the balance in the house of commons. The wonder is that there were so few contests in the general election of 1784 and that so few new faces made their appearance in the parliament that met in May of that year. Such an easy rearrangement would not have been possible had not the average member of the house been an accommodating person, little troubled by political opinions that called for taking a definite side. As it was, in 1784, out of a total of 558 members, there were 107 unsuccessful candidates for seats, as compared with 71 in 1768, 113 in 1774, 92 in 1780, and 96 in 1790. That is, not one-fifth of the members elected, even in 1784, when there was necessarily much shifting of interests, had to submit to so much as formal opposition at the polls.⁷

It was evident that should North be obliged to fight an election while out of office the ranks of his followers in the house of commons would be seriously depleted, since he would in that case lose both the assistance of the king's friends and the government patronage. Besides, the whigs could not reasonably expect to hold all the seats they had gained when they were in alliance with the Chathamites. The one hope for Fox and North, therefore, was to drive the new ministry from office before a new election took place. It has been generally said that in opposing a dissolution the coalition leaders adopted bad tactics; but the truth is that, since their opponents were in office, to have professed themselves in favour of a general election so long as one could be avoided would have proved themselves destitute of political ability. The moment it became apparent that an election was inevitable, members who held unsafe seats did

⁷ These figures are based on information tabulated from Henry Stooks Smith, *Parliaments of England*.

not wait for the dissolution. Perceiving that the king and his new ministry held the whip hand, members who owed their seats to government support or to the help of combinations of whigs and Chathamites, and could find no other constituencies open to them, saw that they must either drop out of parliament or else make terms with the new administration. In many cases, accordingly, they passed over soon after Pitt came into office, a fact which explains the continuously diminishing vote given in support of Fox and North in the winter of 1784 and the final majority in favour of the government before parliament was dissolved in March.

But we are not entirely dependent on inferences of this sort for information concerning the manner in which the new house of commons was chosen. One of the first steps taken by Jenkinson, Atkinson, Pitt, and their allies, after the introduction of the India bill in the lower house led them to embark on their undertaking, was to get Robinson to make a careful diagnosis of the parliamentary situation. In truth, without the accurate and extensive knowledge of this past-master at manipulating elections the scheme itself would scarcely have been feasible. Robinson had made the arrangements for the general elections of 1774 and 1780 and had managed the succeeding by-elections. He therefore knew the dominating interests in every constituency in the kingdom. In consequence of his past experience and the completeness of his information, the statements which Robinson prepared for Jenkinson, Pitt, and their associates as to the conditions in the constituencies and the methods necessary to ensure the return of members favourable to them are illuminating documents. He tabulated the constituencies, indicating whether the sitting members were likely to support the change of administrations and whether constituencies then unfavourable could be induced to return members who would support it. In each case he appended a brief statement concerning the men who held the controlling interests in the constituency and concerning the methods best calculated to win their co-operation.⁸ Robinson's report afforded Pitt the assurance of parliamentary support for which he had sought in vain in the preceding spring, and may, therefore, be properly regarded as one of the factors which decided him now to accept office.

Robinson's lists dealt separately with the constituencies of England, Wales, and Scotland. He set out a comparison between

⁸ Robinson's papers on the subject are in the possession of the marquess of Abergavenny. The late B. F. Stevens had some of the more interesting of them copied, and the Royal Historical Society has entrusted these transcripts to the author of the present article for publication in its Camden series. Where other authority is not cited, information hereafter given concerning the details of this election is derived from these papers.

the numbers which might be reckoned on, first, in the existing parliament should Pitt take office without a dissolution, and secondly after a general election. The English constituencies were classified in three groups, namely, counties, 'close' boroughs, and 'open' boroughs. Of the eighty county members Robinson estimated that in the one position the new administration could rely on 18 as 'pro', that is certain supporters, 19 as 'hopeful', 12 as 'doubtful', and 31 as 'con', or hostile; but in the other, 22 'pro', 18 hopeful, 11 doubtful, and 29 'con'. Clearly he did not anticipate much change in the county membership, and the result proved the accuracy of his foresight in this as in other respects. About the 'close' boroughs, however, Robinson had a different story to tell. Of the 177 members chosen from constituencies which he placed in that category he estimated that in the one position there would be 49 'pro', 34 hopeful, 18 doubtful, and 76 'con'; but in the other 101 'pro', 32 hopeful, 13 doubtful, and 31 'con'. The 232 members representing boroughs classified as 'open', Robinson believed, would be likely in the former situation to count 70 'pro', 40 hopeful, 30 doubtful, and 92 'con'; and in the latter, 84 'pro', 54 hopeful, 36 doubtful, and only 58 'con'. In Wales and Scotland Robinson was convinced that a similar turn-over of votes would occur on the contemplated change in administration and a subsequent dissolution. In Wales, he thought, Pitt would find 5 'pro', 4 hopeful, 4 doubtful, and 11 'con' in the one position, but in the other 8 'pro', 10 hopeful, 2 doubtful, and only 4 'con'. In Scotland, he relied on the influence of Dundas, who had managed the elections there in 1780 for North and the king, to turn out the friends of North and replace them with supporters of Pitt: in the one case the new ministry would have 7 'pro', 7 hopeful, 10 doubtful, and 21 'con'; in the other they might expect to find 40 'pro', 2 hopeful, 2 doubtful, and only one 'con'.

In summary, Pitt and his allies, in case they took office, could not at first count on the support of more than 149 members of the house of commons then sitting, though they might reasonably hope to gain the votes of 104 more. But they had opposed to them, out of a total of 558 members, 231 whose support was assured to Fox and North and 74 others whose adhesion to them was probable. But a new house of commons, elected with the government in the hands of Pitt, would promise a different result: he might then count on 255 supporters, with hopes of 116 more; and he would have only 123 members definitely 'con', and 64 classified as doubtful. Such was the prospect that faced Jenkinson, Atkinson, Pitt, and their associates when they embarked on a political venture which seemed on the surface to be almost superb in its audacity. But those in the

secret could look forward to the outcome without many fears, for the man who compiled the figures submitted along with them the evidence on which they were based; he possessed comprehensive information derived from a long practical experience in manipulating the British electorate, and never betrayed any suspicion that changes in the opinions of the people or the voters might upset his calculations. As far as his estimates were concerned, public opinion was a factor of which he took no account.

Nor were Robinson's figures mere intelligent guesswork; his estimates were accompanied by instructions indicating the methods that would be likely, if adopted, to bring about the changes he desired. Since the election was afterwards held under his supervision, the character of these methods, if we had no other evidence, would go far towards settling the question whether the results of the contest were a reflexion of public opinion in the sense that we now understand that term. But it is not easy to describe it in general terms. Each constituency to be manipulated presented problems peculiar to itself, because arrangements had to be made to suit the personal wishes of those persons in whose hands the controlling influence lay. But Robinson himself, in a supplementary memorandum which he seems to have prepared to accompany the statements mentioned above, made a sort of rough classification of some of the constituencies with reference to the methods by which they might be controlled. His first class included 'those Places classed under Friends, or close, under decisive Influence'. Concerning this class no further instructions were needed, since ample information concerning matters not of common knowledge had been given in the statements already mentioned. A second class was made up of constituencies under the control of persons of wealth or prominence and would 'depend upon arrangements and conversations to be had chiefly by Mr. P[itt]'. In this class came the boroughs of the dukes of Newcastle and Northumberland, and Robinson suggested that it might be helpful to ask the king to speak to their graces personally. A third class would require 'money'; seventeen seats in it, mentioned by name, were described as

places to be taken care of by Mr. Rose, &c. having Letters prepared to the proper Persons to be seen and sent for. The Letters to be sent away to those at a distance the moment of the change, so as to have them up immediately in order to arrange and settle matters with them and return them back to their Boroughs previous to the dissolution.

A fourth category would require 'no money' but would 'depend entirely on Arrangement and the Conversations Mr. P. or some other Persons of Consequence must have with such of this class

as are accessible'. A fifth class was described as adverse and not to be attempted. The sixth class included 'Open Boroughs, where seats may probably be obtained with Expence'. Robinson indicated the preliminary steps to be taken in the case of each borough in the last class. Of a seat at Hedon he noted: 'This to be attended to by sending to Mr. Chaytor in due time and having the proper manager up to town the moment of the change.' In order to win the two seats at Devizes, 'Mr. Garth must be talked to . . . at the proper moment'. At Arundel one seat could be had and 'perhaps 2 if wanted', as to which Robinson noted:

Mr. Fitzherbert, the present Member, if he would come in again would be the properest Person to secure this again either for 1 or for both seats if both should be wished and paid for, and he would do it on the easiest Terms by having him and the proper Agent up at the Moment of the change.

After the coalition ministers were dismissed and Robinson came to town in December 1783, he and his fellow labourers entered upon even more specific questions of ways and means. The results of their deliberations are partially recorded in a paper which Robinson afterwards endorsed as a

Parliamentary State of Boroughs and their Situations with Remarks, preparatory to a new Parliament in 178[4] on a Change of Administration and Mr. Pitt's coming in, sketched out at several Meetings at Lord Advocate Dundas's in Leicester Square and a wild wide Calculate of the Money wanted for Seats but which I always disapproved and thought very wrong. The last clause in this endorsement was probably penned by the former secretary to the treasury in his declining years when he professed a new theory of political morals. In 1784 he certainly could not have forgotten that he had been accustomed to spend in manipulating former parliamentary elections, in addition to large sums from the secret service and other public funds, the two thousand pounds a month which a frugal king made it a rule to save from his privy purse. And any methods of using money for the purpose of influencing the return of members of parliament which Robinson, in view of his earlier practice, could conscientiously have 'disapproved and thought very wrong' in 1784 must have caused Pitt, had he adopted them, to merit the judgement of a contemporary pamphleteer who said that, as regards political corruption:

Sir Robert Walpole himself was a simpleton to this wonderful young man. There was such originality, such ingenuity, such orientality in the manner. Sources were discovered so unthought of in all former exigencies—channels of influence so mysterious and unsuspected—sluices of venality so contrary to all imagining—such dexterity of seducement! such rare and refined profligacy! such polished prostitution! In a word it was the *ne plus ultra* of this admirable science.⁹

⁹ *A Glean of Comfort for this Distracted Empire*, p. 44 (1785).

The programme of the means to be employed in the election, worked out according to the paper just mentioned, at a series of meetings at Dundas's house, specifies a number of boroughs in which seats could be obtained by one means or another and the amounts that some of them would be likely to cost. Forty-two seats were set down as 'close or under decisive influence' and in the control of friends. Among these were the nine seats of Sir James Lowther, who obtained an earldom as his reward. Thomas Pitt, too, was given a peerage for his two seats at Old Sarum. Others, like the duke of Rutland, Lords Temple, Cornwallis, and Weymouth, were to be taken into the government. In a second list sixty-nine seats were described as 'partly accessible in one way and part in other ways which till communication cannot be well judged of'. This included the seven seats of Edward Elliot, which Robinson 'supposed' would cost £10,000. Pitt, however, doubtless relieved himself of a part of the expense when he gave Elliot an earldom. It was estimated that Lord Falmouth's three seats would cost £9,000 and Sir Francis Bassett's five £12,000. Other seats in this class would require the grant of office or places of profit or distinction. But, in addition to such patronage and other similar marks of favour, Robinson estimated that all the seats in this class would call for the expenditure of £41,000.

A third group of seats was drawn up under the laconic heading 'money', with the amount each seat was likely to cost. Two seats at Wendover, for example, Robinson 'supposed' could be had for £7,000. The borough had long been under the control of Earl Verney, and his lordship would very likely have been the gainer had the plan been carried out. There is a tradition, however, that Pitt's agents, by operating directly on the electors instead of on Verney, succeeded in obtaining the two seats for John Ord and Robert Burton at a reduction of £1,000 from the price quoted above. It is said that when the government agent approached he was met a mile from town by the electors, who did not number more than a hundred. On their inquiring whence he came, he answered, 'From the moon'. Thereupon the electors asked, 'What news from the moon?' The agent replied that he had £6,000 which he was ready to distribute among them.¹⁰ This method, however, was probably not adopted in many constituencies. Other seats in this group were the six under the control of Lord Mount Edgecumbe, which, judging from past experience, were put down as likely to cost in all £18,000. But here also Pitt afterwards either increased that sum or else obtained more favourable terms by promising his lordship a step in the peerage. Robinson estimated that the seats in this class would cost altogether no less than £117,500.

¹⁰ T. H. B. Oldfield, *Representative History of Great Britain*, iii. 90.

The fourth class of seats in Robinson's list would require no money, but could only be obtained by means of personal address to the patrons. Naturally the patron would expect as his reward to be consulted on important questions, but he would give his support, if he gave it at all, without any formal stipulation in the way of a bargain. In this class were the two seats of the duke of Grafton, the three of Lord Spencer, and others amounting to twenty-seven in all.

A fifth class was described as consisting of 'open Boroughs where seats may probably be obtained with expence'. Among these seats were Totnes, estimated to cost £3,000, Ilchester £2,500, two seats at Stockbridge £6,000. In all seventeen seats were named, the cost of which was placed at £35,000 or more. Thus the elections for the 137 seats in this list would probably, according to the estimate, cost in the aggregate £193,000, in addition to various promises of patronage, offices, &c., to say nothing of obligations implied but not specified. This estimate, moreover, did not include Westminster, one of the most expensive constituencies which the new ministers undertook to contest; and it also left out of account all the English counties, and all the Welsh and Scotch constituencies, as well as many English boroughs in which it was assumed that friends of the administration would arrange matters independently. Even so, £200,000 was no small sum for one party to spend in a parliamentary election in those days. These estimates go far towards confirming the guess of a newspaper paragrapher who wrote in the *Morning Chronicle* on 26 March, immediately after the dissolution was proclaimed, 'The contests of elections, on the lowest computations that can be made, will certainly be the cause of spending above a quarter, if not a half million sterling'.

The questions naturally arise, Whence came these large sums of money, and how were they expended? One cannot answer them by general statements. In some cases patrons were willing to sell seats at a reduced rate, and even to assist other contests from their private purses on the promise or in the hope of political or social advancement. That this form of bribery was of material assistance to Pitt and his associates is evident from the fact that there were seventeen additions to or promotions in the peerage within six months after the election of 1784, to say nothing of changes in the royal household and the like.¹¹ A majority of those who received these favours had given a *quid pro quo* in the way of political services to the new ministry. Some indeed were disappointed. For instance, in 1783 Pitt solicited Sir John Aubrey's support and offered him a place under the new government.

¹¹ *The Court and City Register; or, Gentleman's Complete Annual Calendar*, pp. 1-15 (1785).

Aubrey replied that he did not care for office, but would like a peerage. Pitt, however, made him a lord of the treasury and gave him to understand that his wishes would some day be gratified. On taking office Aubrey had to go to the expense of re-election. When parliament was dissolved a few months later, he not only bore the expenses of his own election but secured as well the return of his brother for Wallingford at much trouble and expense to himself. But Pitt continually postponed the fulfilment of his expectations, until in 1789 he gave up hope and resigned from the treasury.¹² Again, many aspiring politicians were willing to pay a part or the whole of their expenses in order that their votes in the house or their services in other ways might earn consideration in the distribution of political favours. The tasks of Robinson and his colleagues in cases of this sort were to act as intermediaries between the candidate and his constituency, and, when a candidate was unable to meet all the expenses himself, to find the remainder.

The men who dominated the East India Company unquestionably furnished a large part of the money that was spent, though in many cases they probably nominated their own friends when they undertook the expenses of the election. The interest of the Company in the contest is evident from the fact that Atkinson was one of the most active of Robinson's lieutenants in carrying out the plans agreed on at the conferences at Dundas's house. In the notes that Robinson made concerning 'measures to be taken' in contested places Atkinson's name appears more frequently than that of any other person except George Rose, who had succeeded under Pitt to the position which Robinson himself had held in the administration of North. As regards one seat, for example, Robinson noted, 'Mr. Atkinson to converse with F. Baring on this subject'. Baring was influential in the East India Company. In another case, 'Mr. Atkinson to learn of Sam. Smith whether his son will stand or not'. Smith was likewise prominent in the Company. Again, 'Mr. Atkinson to learn from Macpherson [another leading member of the Company] whether he will undertake for Macleod and to what amount'. Since the Company was to profit by the change, however, it was no doubt reasonable that its members should bear a considerable share of the expenses incidental to bringing it about. But the information at hand does not enable us to say how much was spent by men connected with the Company or what proportion this amount constituted of the total expenses of the election.

It is certain, in any event, that a considerable residuum of the sum had to be found by Pitt and his more immediate associates. A part of this may have been collected in the form of

¹² Chatham MSS., Bundle 109, in the Public Record Office.

personal contributions from men in office or otherwise interested in the success of the new administration. It was said that £25,000 was subscribed for the campaign of Wilberforce in Yorkshire in case there should be a contest, and Pitt himself engaged in asking for contributions. But it was not necessary to use this money, and the subscriptions were probably never paid.¹³ John Horne Tooke, who was active in supporting the government candidate at the Westminster election in 1788, tells us that at that time assessments were collected from the holders of the more lucrative offices. For example, lords of the treasury contributed £200 each, lords of the admiralty £150 each, &c. In that way, Tooke alleges, £20,000 was raised.¹⁴ But whatever may have been the sum raised by voluntary contribution in 1784, and however large may have been the amounts spent by those who expected that they or their friends would have seats in the house and perhaps future honours and emoluments, it is certain that a considerable part of the money expended that year came from the treasury. We have vouchers given by Rose to Pitt indicating the manner in which £15,000 derived from that source was spent in the interval between the dissolution of parliament in 1784 and the end of the year, though only £10,000 could legally be issued for secret service in one year.¹⁵ While the quit rents and other colonial funds which the king had previously used for election expenses were now cut off, his majesty still had his privy purse from which he had been accustomed to save £2,000 a month and send it to Robinson to be used for the same purpose.¹⁶ Then, too, he may have followed the precedent set in 1780 when he borrowed £40,000 on his personal note from Drummonds' bank to meet the bills contracted by Robinson and North in the election of that year.¹⁷ This debt, however, was not paid off until several years after 1784, so that a large part of the king's resources were mortgaged in advance. There is, indeed, no positive evidence to show that George III did in 1784 supplement from his private funds the money Pitt procured from the treasury. But in view of the king's former practice, it is reasonable to presume that he did, an inference that is strengthened by a note found among the papers of the second Lord Chatham. This paper is endorsed, 'Mem. concerning Letters of the late King which have been returned', and the list includes 'Mr. Pitt's Letter to the King acknowledging the receipt of £5,000, March 31, 1784'.¹⁸

¹³ *Historical MSS. Commission, Thirteenth Report*, app., part vii, p. 141; A. M. W. Stirling, *Annals of an Old Yorkshire House*, ii. 181-222; R. I. and Samuel Wilberforce *Life of William Wilberforce*, i. 61; Brit. Mus. Add. MS. 28060, f. 123.

¹⁴ Add. MS. 27849, f. 149.

¹⁵ Chatham MS. 229.

¹⁶ Add. MS. 37835, f. 147.

¹⁷ Add. MS. 37836, f. 72.

¹⁸ Chatham MS. 364.

Moreover, it was a well-known custom to let election debts run for several years after they had been contracted, and in the case of an unsuccessful contest they were sometimes never paid. For example, John Frost, who at Pitt's 'pressing solicitation' acted as financial agent for Lord Hood in his contest against Townshend in Westminster in 1788, brought an action in 1796 to recover the balance due to him by the admiral and his backers.¹⁹ A case which illustrates more particularly the methods used in 1784 is that of George Tierney. In the following November Tierney was trying to collect from Pitt the treasury's share of the money he spent, as he frankly said, for bribery in the borough of Wootton Bassett. Rose had agreed that the treasury should contribute an equal amount to that which Tierney spent from his own resources. Tierney actually spent £2,500 before the contest was abandoned as hopeless, and he had difficulty in reimbursing himself for the share promised from the treasury.²⁰ The truth is that Pitt's agents seem to have been more liberal with their promises than even the urgent necessities of the case justified. Samuel Smith, junior, at the suggestion of Atkinson and 'by the advice of' the minister himself, contested a seat at Worcester. Smith 'candidly told' the most active local manager on the government side that he was 'promised support from the Treasury as far as *twenty thousand pounds*'. He secured, however, the co-operation of an influential family previously in opposition, and was able to obtain the seat without a contest and, therefore, without the expenditure contemplated.²¹

These are matters of detail. The point with which we are chiefly concerned in this article is sufficiently clear. It is doubtful, in view of the nature of the political machinery then in use, whether in 1784 the popular wish, if there had been such a consensus of opinion, could have influenced the result of a parliamentary election to any considerable degree. In any case, the facts here set forth place it beyond reasonable doubt that the results of the general election, like the results of other elections held in that period, were due to influences of quite a different character. In fact, the only two constituencies in which it was possible to get an index to such popular feeling as did exist were Yorkshire and Westminster. Had a poll been demanded in the county the result might have afforded some evidence as to the opinions of a large number of freeholders. But in the time between the elections of 1780 and 1784 both the marquess of Rockingham and Sir George Savile had died, and, besides these powerful leaders, the whigs had lost the support of the Chatham party. The inexperienced shoulders on which the mantle of aristocratic leadership in the county had fallen did not feel equal

¹⁹ Chatham MS. 137.

²⁰ *Ibid.* 183.

²¹ *Ibid.* 179.

to a contest with the Tories, now allied with the Chathamites and abetted by the East India Company; and so they saved the heavy expenses incidental to an election in that great constituency, and Wilberforce and Duncombe were returned unopposed. In Westminster a much better opportunity of gauging popular sentiment was afforded. This city numbered among its householders all the ratepayers, and these included men resident in every part of the country. But it has been pointed out that the Westminster election of 1784 was a barometer of doubtful value for ascertaining the views of the people generally.²² It is, nevertheless, the best criterion we have; and the popular verdict, as far as it was possible to have one, measured by this standard, was not in favour of the men who had seized the reins of government. In any case, nothing remotely resembling what we now understand by the term 'public opinion' played a decisive part in the election.

WILLIAM THOMAS LAPRADE.

²² See my article in the *American Historical Review*, xviii. 253-74.

*Marie Antoinette and the Constitutionalists ;
the Heidenstam Letters*

AFTER the return of the French royal family from Varennes, in June 1791, the leaders of the National Assembly, who had resolved to keep Louis XVI on his throne, offered advice to the queen through the ministers. Some of them did more ; they entered into a secret correspondence and had secret interviews with her, with the purely patriotic object of trying to influence her and the king, and to guide their wavering steps into the paths of the constitution. It is commonly believed that Barnave and his friends, Adrien Duport and Alexandre Lameth, were the leaders in question ; it was believed or suspected at the time—and the story of Barnave's interviews and correspondence with the queen was quickly circulated by his political enemies, coupled with another, the falsity of which has been long since demonstrated—that he had had private talks with the queen on the way back from Varennes. These tales were plausible ; but another common story, that he was tried and condemned because some of the correspondence with the queen was discovered in the Tuileries, has no foundation ; the paper which led to his arrest and trial had nothing to do with the queen ; it was a ' Plan ' supposed to be concerted between him and the ministers, for certain measures to accompany the use of the king's veto on the bill about the *émigrés*. At his trial Barnave denied, on oath, all knowledge of this document ; he also denied in the most unequivocal manner all secret dealings with the court, and there are very strong reasons for believing that he was speaking the truth.¹ But the story lived on, and the imaginative Madame Campan clothed it with circumstantial details, and made it popular. Apart from her inventions, details are few and vague. There are allusions to the correspondence and the interviews in the queen's correspondence with Mercy and with Fersen, and no one has ever denied that Duport and Lameth took part in them. Alexandre Lameth, indeed, admits it, and so does Théodore Lameth, his brother ; but while Alexandre says that Barnave was present

¹ I may refer to my *Life of Barnave* (Oxford, 1915), ii, ch. xxviii, &c., where the evidence is discussed.

at the interviews, Théodore emphatically denies that Barnave had anything to do with the business. The correspondence continued for some time after Barnave's departure from Paris, and the chief incident in it was that the queen, at the behest of the constitutionalists, sent a famous memorandum to the emperor in January 1792, with unfortunate results. Duport and Lameth were acting here with other constitutionalists, but certainly not with Barnave, for the memorandum did not represent his opinions. No shred of the correspondence has ever come to light, and it was believed to have been destroyed.

But in 1913 M. Otto Gustav de Heidenstam, author of some works on Swedish history, published in book form, under the title of *Marie-Antoinette, Fersen et Barnave, leur Correspondance*, two series of letters, from which he had previously given extracts in the *Revue de Paris*. We are not concerned with one series, consisting of portions of the letters of Count Axel de Fersen to his sister Sophie, Countess Piper, selected with the view of showing that he was in love with Marie-Antoinette. The other series purports to be the secret correspondence of which we have been speaking. Some English historians of weight have accepted this correspondence as genuine, and it has therefore become necessary to make a somewhat minute examination of documents which would be of considerable historical importance if their view is correct. It will be best to examine them entirely on their own merits, and without reference to any opinions which may have been expressed for or against them.

During the first half of the nineteenth century the composition of historical forgeries was a flourishing business, and every student of the French Revolution is aware that he must look with caution on any new documents which come from private sources. He knows too that, where Marie-Antoinette is concerned, caution must be doubled, as a large number of forged letters bearing her name are in existence ;² and he will be prepared to put M. de Heidenstam's 'Correspondance' to searching tests.

The place from which the letters come speaks strongly in their favour ; they were discovered in the library of the castle of Löfstad, an ancient seat belonging to the descendants of Fersen's sister, the Countess Piper, and there are some reasons for supposing that the correspondence between the queen and the constitutionalists was put into Fersen's hands. For on 7 December 1791, the queen, when writing to him about her dealings with them, tells him that she is keeping for him, 'for the happy time

² See the Introduction to *Lettres de Marie-Antoinette*, edited by M. de La Rocheterie and the Marquis de Beaucourt (Paris, 1895-6).

when we shall meet again, a very curious volume of correspondence', and although Fersen does not record that she gave him any papers when he visited her in February 1792, we find that a 'portfolio containing the Queen's papers' was in his possession the following November. It is true that the Baron de Klinckowström, his great-nephew and the careful editor of his papers, explains that he is here referring to documents confided to him by the queen at the time of the flight to Varennes;³ it is also true that Fersen preserved the queen's letters so religiously, that the idea of his allowing this series to be separated from the rest seems improbable. But these objections only present difficulties which could easily be explained away.

There are other points greatly in favour of the letters: they show a minute knowledge of current events; the advice given to the queen is, in the main, such as the constitutionalists may reasonably be supposed to have offered; two letters known to be genuine are in the dossier. The first of these is a draft of the queen's letter of 30 July to the Emperor Leopold; the second is his answer. Both exist in the Vienna archives, and the emperor's letter had not, I believe, been published before 1864, the date at which the forgery of Marie-Antoinette letters practically ceased.

Yet even a glance at M. de Heidenstam's book warns one to hold judgement in suspense; if the letters show superior knowledge, they also show incredible ignorance, and it is just this mixture of knowledge and ignorance which one would expect to find in the work of a forger. A great deal of recondite information can be picked up in old newspapers and old letters, and it must not be forgotten that the celebrated practitioner who produced epistles from Sappho and Lazarus, written in archaic French, was a diligent student of history. It is also obvious at a first glance that the letters are presented in an unsatisfactory way, and further examination shows that the editing is so careless as to cast grave doubts on the accuracy of the text. We will take this point first.

M. de Heidenstam had before him, in the Fersen papers as edited by the Baron de Klinckowström, a model of the way in which such work should be done, and his task as an editor was simple, for it is thus that he describes his documents:

... l'autre [paquet], qui porte la mention *Correspondance politique de la Reine*, renferme la correspondance de Marie-Antoinette avec Barnave et autres membres de la gauche constitutionnelle de l'Assemblée Constituante . . . Elle consiste en quarante-quatre lettres de Marie-Antoinette, non signées, mais dont l'écriture est facile à reconnaître et l'authenticité

³ Klinckowström, *Le Comte de Fersen et la Cour de France* (Paris, 1877-8), i. 268, ii. 54, i. vi.

certaine, et autant de lettres, également sans signature, d'une écriture d'homme, nette, claire, et bien française, et d'un style élégant et correct. Celles-ci sont les réponses à celles-là, et chacune d'elles porte un numéro, ajouté de la main de la reine, qui renvoie à celui de la lettre à laquelle elle répond. (p. 3.)

It is clear that, the letters being all numbered, M. de Heidenstam had nothing to do but to print them in their order. His knowledge of the period was not extended enough to enable him to elucidate them, and he had better have refrained from notes. Instead of taking this easy course, he does all he can to confuse his readers. He inserts the letters in a running commentary which is a kind of history of the transactions recorded; and he inserts them, not chronologically, but according to the subject he is treating: he gives sometimes whole letters and sometimes scraps which may be portions of letters, and thirty-six of these letters or portions are not numbered. Further, in the course of his commentary he makes statements, apparently on the authority of the letters, which are not warranted by anything which he prints. It is, therefore, impossible to say how far he has fulfilled his promise of giving the letters 'en leur entier' (p. 5, note). He owns to omitting one important document, a copy of the memorandum to the emperor of January 1792 (p. 288). He also owns to shortening one letter (p. 214), but prints it without marking any omissions.⁴

It is a laborious work to separate the letters from M. de Heidenstam's commentary, and to arrange them as much as possible in chronological order. The result is to give a series of 42 communications from the queen and 51 or 52 from the constitutionalists; a series which no piecing together of fragments and dealing out of numbers will force into agreement with the forty-four letters and answers.⁵ It follows that either M. de Heidenstam has not given the 'Correspondance' as he found it, or that his description of 'the packet' is erroneous. We notice that in this description he does not mention the draft of the queen's letter to Leopold and Leopold's reply, both of which are 'in the dossier' (pp. 74, 80), and that he prints (p. 86) a letter from the queen to Monsieur, hitherto I think unknown, without saying whether it is in the dossier or no. We notice also, that while he tells us, on p. 295, that the letters of 30 December and 'samedi' (i.e.

⁴ There are also references to a plan for disbanding the body-guards, &c., and to two letters of the queen's, none of which are given (pp. 93, 112, 238).

⁵ e. g. between the numbers 2, of 9 and 10 July, and the numbers 3, of 20 and 21 July, occurs an unnumbered letter of 18 July (pp. 62, 65, 68, 71, 94). Between the numbers 19 and 19 bis, of 28 and 29 September, and the numbers 20, of 3 and 4 October, occur two unnumbered letters, one of 1 October and the other, the answer to it, erroneously dated 13 October (pp. 177, 181, 182, 203, 204, 201, 202), and so on. There are two letters of 5 December, both numbered 37 (pp. 251, 268).

31 December 1791) are the last of the series from the queen's correspondents, he gives in facsimile the beginning of a letter, supposed to be from Barnave, which is clearly dated 'jeud. 5 janv.' (i. e. 5 January 1792), and that he prints the same letter on p. 205 without a date.

An editor who treats his documents in so cavalier a fashion does not inspire confidence, and the way in which M. de Heidenstam deals with quotations from other works is not reassuring. Of his sixty-five quotations, most of them from the Fersen papers, I have verified fifty-seven, and of these only four are quite correct, though sixteen others are nearly so. He quotes incorrectly in the rare instances where he gives a reference. He adds words, he changes words and their order, he hardly ever marks omissions, at times he paraphrases. He is not always particular as to the source of his quotations. Thus, he gives as a passage from one of the 'short notes, most often written in invisible ink', which the queen sent to Fersen in the early summer of 1792 (pp. 308-9), words which do not come from these notes, but are reported by Fersen in his diary of 9 February 1792, as a message from the queen to the emperor, entrusted to Simolin.⁶ This, however, is nothing to another misattribution. It is well known that in February 1791 Lamarck was sent to Metz, on a mission to Bouillé, with letters from the king. M. de Heidenstam tells us (p. 44) that in the course of the preparations for the flight of the royal family, Fersen was sent to Metz with a letter from the king, to ensure Bouillé's co-operation; and that he related the results of his conversations with the general in a 'report'. His first remarks to Bouillé are quoted, and one notices with surprise that they are almost identical with what Lamarck reports himself to have said to Bouillé.⁷ The alterations are of the kind which M. de Heidenstam usually makes in quoting. Fersen is said to conclude his report with a passage (pp. 44-5) which appears to be a free résumé of Lamarck's account of his interviews. It is true that Bouillé's relations with the city of Metz, spoken of by Fersen, are not mentioned by Lamarck, but all the rest is.

Most of M. de Heidenstam's misquotations seem motiveless, but this is not always the case where Barnave is concerned. When Fersen visited the queen in Paris, in February 1792, he wrote in his journal: 'La Reine me dit qu'elle voyait Alex. Lameth et Duport, qu'ils lui disaient sans cesse,' &c.⁸ Now M. de Heidenstam is aware, as every reader of Fersen must be,

⁶ Klinckowström, ii. 4.

⁷ *Correspondance entre le Comte de Mirabeau et le Comte de la Marck, pendant les années 1789, 1790 et 1791*, edited by A. de Bacourt (Paris, 1851), i. 240.

⁸ Klinckowström, ii. 7.

that this is the crucial passage about the queen's interviews with the constitutionalists, and that Barnave's name is not mentioned. But by quoting it thus, 'La Reine me dit qu'elle voyait encore Lameth et Duport, mais qu'ils avaient perdu toute influence; qu'ils continuaient à lui dire', &c., and by putting in a note, 'Barnave venait de partir pour Grenoble' (pp. 287-8), M. de Heidenstam has made it agree with the 'Correspondance'.

Among the quotations which I cannot verify are parts of two letters from the queen to Fersen (pp. 38-40). They are not printed by M. de Klinckowström, who is believed to have published all the queen's letters to Fersen, and M. de Heidenstam does not tell us their origin. They refer to a circumstance hitherto unknown to history. It was before the flight to Varennes; Mercy had left France and was in Brussels, from whence he is said to have advised the queen 'par l'entremise de Fersen'. Fersen and other friends devoted to the queen wished to have him in Paris, and they prepared a letter for her to send him, asking him to return. The queen writes to Fersen that she thinks the letter good, but does not know how to convey it to Mercy, as 'I have declared, and all the world knows, that I write to no one at all, not even to my relatives'. The letter, she thinks, might be read, if sent through Montmorin or by the post. 'The bearer will enter into more details about M. de Mercy.' She also charged Fersen to explain to her advisers that there were diplomatic difficulties about Mercy's return, in 'the equivocal nature of his position and of his relations with the new rulers'. But there were no 'new rulers' at this time, for the king's position was not altered till his suspension, after his flight. Moreover, the queen was in free correspondence with Mercy and could have written to him herself; she saw Fersen frequently and could have explained 'details' by word of mouth.

She was also corresponding with Leopold, but, says M. de Heidenstam, 'she wished to get a letter or memorandum to him', and wrote thus to Fersen:

You can say that I should be very glad to have a memorandum or draft of a letter for the emperor sent me. You will recall to them at the same time the few means I have both for writing and for persuading my brother. . . . I know very well the difficulty there is in establishing a new communication between us at this moment, . . . [but as it is necessary, it must be arranged as soon as possible.] In a conversation there are a thousand things one can say, which one can never write.

M. de Heidenstam explains that there was talk of sending Fersen to Vienna, 'to say these things which the queen could not write'.

It is curious that these two letters, devoid of sense as addressed to Fersen, would fit into the 'Correspondance'. On 29 July (p. 104) the queen undertakes, at the request of Barnave and his friends, to write to Mercy, whose return to Paris was desired, and she remarks that the emperor would hardly wish his representative to return under present circumstances, when no member of the diplomatic corps was allowed to see the king. Earlier in the month she had consented to write to Leopold (9 July, p. 64), also at the request of her advisers, and they proposed to send her a memorandum, or some ideas for a letter (pp. 72, 102). Further, she speaks on 7 August of her wish to talk with them through an intermediary; 'one can say a thousand things and explain a thousand details which cannot be written' (pp. 111-2). It would almost seem as if the two 'letters to Fersen' had strayed out of the 'Correspondance' with the wrong label attached to them.

But untrustworthy editing cannot hide internal proofs of authenticity in a long series, and we will now examine the text of the letters. They are headed by the queen: 'Copie exacte de tout ce que j'ai écrit à 2 : 1, par l'entremise de 1 : 0 et ses réponses' (p. 51), and the story unfolded in them is this:

The queen, who makes notes on the margin of the letters (p. 54), says in the first, that she resolved to try and start 'a sort of correspondence' with 'celui avec lequel j'avais beaucoup causé'—Barnave, of course. Her own letters were to be returned, and 'the agent'⁹ was to write down the answers from dictation. Her first letter is to this agent, desiring him to enter on the matter with 2 : 1, with whose character and frankness she had been struck during the two days they passed together. She would have tried to enter into communication with 2 : 1 earlier, if he had not sent her a message by M. de la F., begging her not to speak of him or to seem to think about him (pp. 52-3). Any one who knows the relations between the three at the time will be amused at the idea of Barnave sending a message to the queen by Lafayette.

Another note of the queen's says that 1 : 0 showed her letter to 2 : 1, who said, after reading it, that he was formally bound to do nothing without the agreement of 1 : 2. He fetched 1 : 2, and they told the agent 'that everything which concerned them passed through a secret committee of five persons', Duport, Barnave, A. Lameth, d'André, and Dumas; and that they should speak of the communication to this committee the same evening. They also mentioned a larger and less confidential

⁹ The agent, who is once called J. by the queen (p. 201), is meant to be Jarjayes, the intermediary between the court and some of the constitutionalists. See *Life of Barnave*, ch. xxviii.

committee, consisting of the five, Lafayette, Latour-Maubourg, 'Lacotte,' Emmercy, and some others whose names the queen forgot. Finally, they dictated a long piece of advice for the queen, the gist of which was, that the king and queen must rehabilitate themselves with the nation by good services; i. e. by trying to make the emperor recognize the constitution and express friendly feelings to France, and by working for the return of the princes and the *émigrés*. To help on these ends, a mission must be sent by the king to the comte d'Artois, and to Mercy (pp. 55-9).

Here we must pause to remark: (1) This account of the beginning of the correspondence does not agree with the queen's own account, in a cipher letter to Mercy of 31 July 1791, first published by M. Arnoeth in 1864 (and the only passage in which Barnave is directly implicated by the queen). Here she says:

J'ai lieu d'être assez contente de ce côté-là, c'est à dire des Dupont, Lameth et Barnave. J'ai dans ce moment-ci une espèce de correspondance avec les deux derniers, que personne au monde ne sait, même leurs amis.¹⁰

(2) It would be difficult to persuade any one who has studied the relations of the 'constituants' of the reality of this committee of five. Where was Charles Lameth? Why was Dumas, a close friend, but of no political importance at the time, and often away from Paris, on it? Why was d'André, an opponent before the king's flight, and never a friend, included? As to the larger committee, what brought the marquis de Lacoste, by no means a prominent member of the assembly, there? (3) The advice given to the queen is the plan of the constitutionalists (the leaders of the Assembly in coalition), which was laid before the king and queen, in much fuller form, in a note by M. Le Hoc, who was commanding the Dauphin's guard at the time. In his note (printed among the papers of the 'Armoire de fer'),¹¹ the queen's letter to the emperor and the missions of Coigny to the comte d'Artois and of the Abbé Louis to Mercy are all specified. If the queen really received the plan, as sketched in no. 1 of the 'Correspondance', she must have been struck by Le Hoc's great mental superiority over the most brilliant leaders of the Assembly. Further, though there are allusions in the 'Correspondance' to the Coigny mission (he is not named), there are none to the Louis mission, in which the

¹⁰ *Marie-Antoinette, Joseph II und Leopold II; ihr Briefwechsel*, edited by A. von Arnoeth (Leipzig, 1866), pp. 193-4.

¹¹ *Troisième Recueil, Pièces imprimées d'après le Décret de la Convention nationale du 5 décembre 1792, l'an premier de la République* (Paris, 1793), ii, no. 259.

queen was much interested, and about which, as she told Mercy,¹² she hoped to hear the opinions of the leaders of the Assembly.

We now return to the 'Correspondance'. The queen says in another note that, as she did not reply to their letter, her correspondents sent for the agent, and 'the two friends' told him that they thought her 'très légère' and 'incapable of undertaking anything'. Nevertheless, 2:1 sent her an encouraging note (pp. 59-60), which she answered, and after this the correspondence went swimmingly. On 7 August we find her reminding her advisers that she had asked 'M. Duport' to join them, although his opinions were known to her (p. 113), as a proof of her good faith. But Duport was on the committee of five already. There is, however, no second mention of this committee.

The queen kept the letters as they were written down by the agent,¹³ and they are all in the same hand (pp. 64-5). Several written in the first person are clearly meant to be from Barnave alone, and part of one of these is given in facsimile by M. de Heidenstam, who appears to think it probable that the hand is Barnave's. The hand is obviously not Barnave's, and *ex hypothesi* it could not be. A facsimile of one of the queen's letters is also given, but not being an expert, I can form no opinion about the writing.

One of the first tasks of the queen's new advisers was to persuade her to write to the emperor. On 25 July they promise that

The Queen shall be given a safe and clever man to execute her commission with her brother; some ideas of the letter which she is to address to him will be indicated to her. If she consents, all will be ready and the man will be gone before this week has ended (p. 102).

The letter is not mentioned again, but the draft, as we have seen, duly appears in the dossier. Here we have Barnave and his friends sending the draft secretly and arranging for the letter to be carried secretly to the emperor. But it was the leaders of the Assembly in coalition who urged the queen to write to Leopold, as is shown by Le Hoc's note; and, far from being sent secretly, the letter was carried by a courier of Montmorin's and delivered to the emperor by Noailles, the French ambassador.¹⁴

The 'Correspondance' is full of the king's letter accepting the constitution. The queen's advisers offer to send her a model, but a draft presented by Montmorin is accepted. It is shown

¹² Arneth, pp. 204, 206; letters of 21 and 26 August.

¹³ After the first letter.

¹⁴ The queen to Mercy, 7 August: Arneth, p. 197; Klinckowström, i. 14.

to them, and the queen, who has given Montmorin some criticisms, asks them to send it her with their ideas noted on the margin; she will add her own, and secrecy shall be observed (pp. 141, 150-4). Her advisers had desired that the king should criticize the constitution when accepting it, in order that he might be proved to have been in the right later on, when it did not work (p. 128); but as the queen insists that the letter, or speech, must be short and dignified, they promise finally to alter it as she wishes, 'after which she will use her influence to get it definitely decided on'. It would, perhaps, have been better, they say, if they had written a draft for her at first; but as Montmorin's ideas agreed pretty well with their own, they thought it best to allow him to 'propose a canvass' (pp. 147, 150, 153-5).

It is almost superfluous to point out that the leaders of the Assembly were particularly anxious that the king should *not* criticize the constitution when accepting it, and that Montmorin was of a different opinion. The real history of the letter was this: Pellenc, who had been Mirabeau's secretary, wrote a draft at the request of Montmorin and Lamarek, and his draft was adopted. But the ministers, so Lamarek tells Mercy, felt that it required alterations and, as they were unable to agree upon them, gave it for revision to Duport and Barnave, who cut it down and otherwise improved it.¹⁵ A draft of the beginning of the amended letter among Barnave's papers in the Archives Nationales confirms Lamarek, and it is easy to see that the final version is an adaptation of Pellenc's draft, printed among the papers of the 'Armoire de fer'.¹⁶ The queen did not know much about this letter, for she wrote to Mercy on 12 September, before the matter was settled, 'M. de Mont., or rather Pelin, had made a detestable one; it was rejected'; adding that the letter preferred was by the leaders in coalition.¹⁷

As soon as the constituent Assembly came to an end, arrangements were made for an interview between the queen and her advisers, and it was fixed for 1 October. Unfortunately Barnave and his friends took alarm at the number of people about and turned back. We must pass over a very puzzling letter, with no address, which the queen wrote on the occasion (pp. 201-2). The interview was arranged again for 5 October, and seems to have taken place, as the queen alludes to it on 10 October (pp. 204-5, 184). There were two others, on 12 October and 19 December (pp. 207, 287), and these are the only ones mentioned. All talk of 2:1 and 1:2 is soon dropped, and the

¹⁵ Lamarek to Mercy, 6 and 16 September 1791, Lamarek, *loc. cit.* iii. 191, 232.

¹⁶ *Troisième Recueil*, i, no. 189; cf. *Moniteur* (réimpression), ix. 655.

¹⁷ Arneth, p. 210.

queen writes openly of 'M. de Lameth' and 'M. Barnave' (pp. 186, 214). Barnave was on the point of leaving Paris, and there are several allusions to his intended departure. Here the 'Correspondance' is well informed, for he did mean to go home at the end of October and was detained by illness till the first days of January. But this information was accessible to the public in 1843, when Béranger published the *Œuvres de Barnave*.

One foresees from the first that when the time comes Barnave will advise the king to veto the bill on the emigrants, and will tell him what measures must accompany the veto; and one is not disappointed. On 10 November he sends the queen a letter, strikingly like the 'Plan' afterwards found in the king's bureau, and the queen, in reply, hopes that he will communicate his ideas to the ministers (pp. 195, 198: the letter is dated 'ce jeudi').

On 28 December the queen writes:

I know that M. Barnave is leaving immediately, and I know the powerful reasons which have decided him. I count on his not forgetting the end of our last conversation (p. 295).

And Barnave answers on 5 January that he has not forgotten the queen's last words in their *second* conversation (p. 205 and facsimile). After this, says M. de Heidenstam, the correspondence ceased (p. 295). This statement, as we have seen, is incorrect.

The general impression produced by all these letters is one of a reasonable and docile queen, doing all that she can to satisfy tedious and exacting advisers. Every appointment to the ministry must be made on their recommendation, every public utterance of the king they must write themselves, or at least overlook and correct; and the queen, as a rule, replies gently to their interminable harangues and manages that they shall name the minister and write or correct the speech or letter. Occasionally, to the delight of the reader, she turns a little restive, and once there is a real quarrel. The king was issuing a proclamation about emigration; it was his own idea and the queen's, and she sends her advisers a draft, hoping that it will find favour in their eyes, as it agrees with a letter from the king to the princes which they had themselves either composed or inspired (13 October, pp. 207-8). The advisers are pleased; the proclamation is 'nobly and simply' written, it will have a great effect; but some 'slight alterations' are needed to give it a grave and sustained tone and to make it quite constitutional (14 October, p. 209). The proclamation appears¹⁸ and the alterations have not been made. Barnave and his friends are,

¹⁸ *Moniteur*, x. 119; it is dated 14 October.

as M. de Heidenstam truly says, 'furious'. In two letters of bitter reproach (18 and 19 October, pp. 212, 215) they announce that they will write no more to the queen; it is useless, as she does not give them her confidence. But they will tell her the truth for the last time: the king is being led astray by the unworthy Montmorin, himself misguided by the American 'Maurice', and all will be lost. Here, while they estimate correctly Gouverneur Morris's 'most complete ignorance of the means of governing suitable to the French nation and to our constitution', they are not aware that Montmorin's approaching retirement was more than half reluctant, and that his influence over the king had waned, although this must have been pretty well known to inner political circles.¹⁹

The queen replies with warmth (20 and 21 October, pp. 213, 222), but after she has wrung from her correspondents an assurance that they had never intended to accuse her of want of frankness, she forgives them, and the week after she writes again, about Segur's acceptance of the ministry and his subsequent refusal (pp. 191, 193). These letters, nos. 25 and 26, are only dated 'ce vendredi' and 'ce lundi', but the allusions make it certain that the Friday and Monday are the 28 and 31 October. Yet when on 3 November 'Barnave' begins a letter: 'The time which has elapsed since the queen's last note has given rise to some incidents, without necessitating any change in the plan of conduct' (p. 226), it is obvious that a longer interval than three days must be meant, and M. de Heidenstam, who does not date nos. 25 and 26, naturally thinks that this is the first letter after the quarrel. And as the writer of nos. 25 and 26 must have known very well what dates he meant, it would seem as if we had here portions of *two* 'Correspondances', which do not dovetail.

There is nearly another quarrel over the uniform of the king's new guard. The constitutionalists insist that the uniform must be in the three colours, and that the blue must be 'bleu de roi', like that of the national guard. This is conceded; but all is spoilt by a yellow 'revers', 'the colour of Coblenz'. The queen replies curtly, that it is impossible to change the uniform again, and that since the 'revers' is 'jonquille', not 'ventre de biche' as at Coblenz, it can do no harm. This brings a very rude letter in reply, in which she is told that

The greatest of all dangers for the monarchy, the only one over which one cannot promise oneself to gain the victory, is the colour of a revers,

¹⁹ Lamarck writes on 15 October: 'They do not insist on keeping M. de Montmorin, and he has repeated so often that he wished to retire, that he will end by being obliged to do so' (Lamarck, iii. 253). Montmorin confided to Gouverneur Morris that the real cause of his leaving the ministry was that he had lost their majesties' confidence (*Diary and Letters of Gouverneur Morris* (London, 1889), i. 482, 26 November).

and the choice of MM. Pont-l'Abbé and d'Herville [commanders of the guard];

and that 'if it is insisted on, there is nothing left to hope for'. The queen, though she must have been used to her advisers' threats by this time, promises to do what she can to make the change quietly (pp. 262-7).

One point in her conduct on which her advisers insisted was a frequent attendance at the theatre. Barnave was insatiable here. The terrible news of the slave revolt in St. Domingo arrives, and he remarks that the queen had better go to the theatre before it is confirmed (3 November, pp. 228-9). The queen excuses herself; the news has filled her with consternation, she has not the heart to go, it would not be proper or becoming (p. 232). Barnave agrees for once; she must show herself in public in other ways; it is tiresome that she has let the picture exhibition slip, but she can at least visit libraries (5 November, p. 235). Eight days later he returns to the charge:

The news from the colonies will soon be old enough not to preclude entertainments. It would be best to go without ceremony, and to the one which the Queen's own taste prefers ('le 13', i. e. 13 November, p. 256).

Indeed 'Barnave' when he writes by himself, free from the restraining hands of Lameth and Duport, shows a strong bent towards triviality. He cannot even send his advice to the king to use the veto, and his programme of measures, without adding: 'The idea of taking walks in the Tuileries seems to me very simple and very good' (p. 198).

We may remark, before passing on, that when Barnave on 3 November advises the queen to go to the theatre in spite of the news from St. Domingo, he tells her that he has persuaded the planters to present an address to the king and has sent them one himself, though only two of them know this. It is clear that the writer of the letter did not know that the planters of the Hôtel de Massiac Society had already presented their address on 2 November, and had afterwards been received by the queen, who could hardly speak from uncontrollable emotion.²⁰ The writer of the queen's reply (pp. 231-2) cannot have known it either, or some allusion must have been made. No one who reads the planters' address could imagine it to be by Barnave.

The best part in the 'Correspondance' belongs to Marie-Antoinette; she writes better and she seldom boasts. Occasionally she holds her ground and imposes her good sense on her advisers. Thus, they are anxious that she should write a letter

²⁰ *Adresse au Roi; et Discours à leurs majestés, &c., Des Colons français, &c.*, s. l. aut a., British Museum, 936, f. 6 (14). The *Gazette universelle* reported the reception of the planters some days later, without giving a date.

to the Assembly on her own account, at the time of the acceptance of the constitution; a letter which

will give a great idea of her character, a great confidence in what she announces, and will remain in history to paint and characterize Marie-Antoinette.

But she pertinently reminds them :

It seems to me besides (and I am far from complaining of it), that the Assembly has always kept me outside everything. It would be a contradiction and an awkwardness on my part to put myself forward,

especially, she adds, at the particular moment when the king ought to be the chief person (pp. 129, 134). It is odd that her advisers, steeped as they must have been in the theories of the constitution, should have forgotten this; that even when reminded, they should continue to press her: 'it is part of our system that she [the queen] should acquire a great station [existence], as becomes her character' (p. 142)—and that only her own firmness should have saved her from taking so improper a step.

The letters of 'Barnave' and his friends are remarkable for the absence of any 'esprit', and their unskilled pens repeat and dilate and pile up climaxes, from which they have to extricate themselves as best they may. In one rhapsody on the queen's position they forget what they have just said, and we read on p. 98 :

The Queen has excited profound resentment, but she has suffered, and the French are very near being interested as soon as they think themselves avenged. The Queen has, above all, one advantage: it is that she has done very little to hoodwink the public as to her true opinions; she has always been regarded as an enemy, she has, so to speak, made open war, &c.

And on p. 99, in the same letter :

Has not she [the queen] already known this brilliant popularity? If public opinion has changed, at least it has never gone so far as indifference, and when the heart has not grown cold, it is always possible to bring it back.

But they are not always rhapsodical; they can descend to a somewhat vulgar familiarity, as when they encourage the queen by telling her: 'If one is to be anything after a revolution, one must have done one's bit in it' ['il faut y avoir mis sa part'] (p. 114).

They have only two methods of enforcing advice, by terror and by bragging. To give one or two examples. After relating an anecdote of how de Brissac, the ill-chosen commander-in-chief

of the king's new guard, told a patriot—' a very agreeable young man ' too—that he would be better off at Coblenz, ' Barnave ' exclaims :

This is the story that is told ! There are hundreds like it, there are thousands. Thus will the monarchy crumble away, which might just as easily be raised again by words, by smiles, added to a clear intuition of which no one would find it possible to doubt (p. 228).

On 21 July the three write of themselves as

men who know the revolution, who alone can dominate it, whose counsels are sure because they are disinterested, and who can be trusted because they have too much frankness and pride in their souls for any one ever to be obliged to repent having given them his confidence (pp. 73-4).

On 5 August they say :

This goal can only be missed by uncertainty in [your] resolutions ; our own are invariable, they are sufficient to save France and the monarchy. Isolated they can do no more (p. 110).

On 10 October they are pleased with the queen, and tell her :

Nevertheless, all that might be doubtful is already accomplished ; with a strong and persevering will, the succession of effects which remain to follow is as certain as the order of nature and the succession of day and night (p. 190).

And it is fustian like this which is attributed to three of the ablest members of the constituent Assembly ; one a great orator and debater, famous for close reasoning and clear expression, who could not write a note without turning his sentences prettily ; another, a thinker with more than a touch of genius, whose reports and speeches stir the reader of to-day by their enthusiasm and their deep humanity ; another, least gifted of the three, yet reputed to be the best tactician in the Assembly, a good and careful speaker, and a writer who, if dull, never wrote nonsense.

Again, all three were gentlemen ; courtesy was ingrained in Barnave, whose manners in a difficult position captivated the royal family ; Duport was notoriously pleasant and genial ; Lameth had all the graces of a courtier. And we are asked to believe that these three could write rudely to a lady, to a queen ! For some of these letters are very rude. A mere memorandum for an exalted person might be unceremonious, but as soon as anything like a direct address was made, a certain ceremony became obligatory. It was highly disrespectful to begin a letter, ' The time is too short and too much occupied for it to be possible to answer the Queen's note in detail ' ; or to say, ' If the King's conduct is good, we will venture to answer for that of the next legislature ' (pp. 105, 142) ; or again, ' Ainsi

à sept heures et demie nous nous rendrons, avec la personne qui nous a remis le billet, chez la Reine' (p. 205), when ' Nous aurons l'honneur de nous rendre auprès de sa Majesté ' was required.

Nothing but the too common habit of despising the leaders of the Revolution could blind any one who reads these letters attentively to their improbability. They are not all equally bad, and here and there are passages which may have been taken from genuine letters of the time. For instance, there is a note explaining why the veto should not be used on the bill about the non-juring clergy (p. 250), which can hardly have been composed by the writers of the rest of the ' Correspondance '. Curiously enough, the defence of the bill, superficially specious and radically dishonest, does not represent the opinion of the constitutionalists on the measure.

The writers, as we have said, are possessed of a good deal of minute and accurate information ; but they do not know how to use it. Thus, it is true that on 19 September there was a foolish and easily quieted disturbance in one theatre at a performance of *Richard Cœur de Lion* (p. 168).²¹ But the insignificant occurrence passed unnoticed amid the universal rejoicing at the acceptance of the constitution, and though it might have found a place in a police report, it was not worth mentioning in a serious letter on a great political occasion.

Again, it is quite a recondite piece of information that the ministry of the interior was offered to Germain Garnier in November 1791. But when ' Barnave ' writes that the appointment will be ' very popular ' (p. 197, cf. p. 239), the words do not apply to Garnier, whose nomination would have left the public cold, but to Cahier de Gerville, whose appointment, made after Garnier had refused, really was popular.

If the way in which the writers use knowledge betrays them, they are betrayed still more by their surprising ignorance, for Barnave and his friends, as here presented, are not only dull and stupid, but ill-informed about their own past history, their own opinions, the usages of the Assembly, and the common political language of the day ; ill-informed, even, about the provisions of an important bill of Barnave's, which he had just carried through the Assembly after a severe struggle. It would require a small book to point out all the errors, contradictions, improbabilities, and absurdities of this ' Correspondance '.²²

²¹ See *Feuille du Jour*, 22 September 1791, p. 671.

²² e. g. p. 148. The constitutionalists must have known that the king never took the president's place when he came to the Assembly. A chair was always placed for him beside the president.

p. 161. They could not have written of the king as ' le souverain ' ; the root of the quarrel between them and the court was that they regarded the nation and

The letters were evidently written to glorify Marie-Antoinette. It is not the queen of other letters that we meet with here, not the Marie-Antoinette we know, with her touching sadness, her plausible excuses, her pride and generosity, her quick engaging outbursts; and if they were genuine, they could only alter our estimate of her character for the worse. It is certain, from her own written words, that all the while she was dealing with the constitutionalists she was playing with them, trying to lull them into a false security in order to prevent their joining with the

not the king as 'le souverain'. They did not use the word in the loose way that we do.

p. 173. Barnave and his friends could not have written to the queen on 25 September, touching Barnave's own colonial bill of 24 September, that the relations between commerce and the colonies 'are partly put under the exclusive authority of the king'. Whereas article 1 of the bill says: 'The National Legislative Assembly [i. e. of France] shall legislate exclusively, with the king's sanction, on the external "régime" of the Colonies. In consequence it will make: 1. The laws which regulate the commercial relations of the Colonies,' &c. All that was put under 'the exclusive authority of the king' was the laws on the status of the slaves and the political status of the half-breeds and free negroes; art. iii provides that these laws shall be made by the colonial assemblies and submitted directly to the king's sanction, without having to pass the legislative assembly (*Moniteur*, ix. 771).

p. 184. The queen, Austrian though she was, could not have written 'Saint-Croix'.

p. 215. On 19 October they complain of 'the letter by which the King notified his acceptance [of the constitution] to the States of Holland, which is in the papers'. Any one in the political world must have known that the king notified his acceptance in a circular letter to all the Powers. (See Montmorin's report of 31 October, *Moniteur*, x. 294-5.)

p. 219. In the same letter they remark that Montmorin, 'at a moment when disorder was at its height, got that letter, so ridiculous in its exaggeration, written to foreign Courts'. The letter of 23 April 1791, here referred to, was written by Montmorin in the king's name to all ambassadors and ministers of France at foreign courts, in order to declare the king's adherence to the principles of the Revolution, and to contradict all statements that he was not a free agent. The party led by Barnave and the Lameths succeeded in forcing the king and Montmorin into taking this step, sorely against their will; and the 'ridiculous letter' (which was submitted to the diplomatic committee of the Assembly) represented Barnave's opinions so thoroughly that he was supposed, though erroneously, to have written it for Montmorin. (See *Moniteur*, viii. 213; and for the circumstances, *Life of Barnave*, ii. 39-40.)

p. 243 (cf. pp. 236-7 and 278). The constitutionalists are exercised about the duc d'Orléans. They think that if the king's brothers forfeit their right to the regency by refusing to return to France when summoned by the Assembly, the duke will leave the country, establish his right to the regency by returning when summoned, and acquire 'an alarming influence'. But this is how the memorandum to the emperor of January 1792 speaks of d'Orléans: 'As to what they [the *émigrés*] wish to insinuate about M. d'Orléans, one only needs to have spent three days in Paris to know what contempt he has fallen into; nobody thinks of making anything of him' (Arneth, p. 277).

pp. 243-4 (cf. p. 278). They are also much alarmed about the national guards under arms, seeing in them 'an element of civil war, able at the first signal to offer an army to the republicans. If the princes were back, all these dangers would disappear, the army would become the only public force, and there would be no further chance of distressing events.' Considering that the constitutionalists in general, and Barnave in particular, believed the national guard to be the great bulwark of liberty and preserver of order, these remarks are peculiarly unfortunate.

extreme party ; using them as a means of tiding over the difficult time before the Powers could be persuaded to interfere in France and upset the abhorred constitution. The more she complied with their advice the more she deceived them, and the political sagacity claimed for her on the strength of such treacherous compliance is not an admirable trait. Let us hope that the truth is no worse than we have hitherto believed it, for at best it is a dark page in her history.

E. D. BRADBY.

Notes and Documents

The Emperor Leo V and Vardan the Turk

THE story told by Genesius about the prophecies of the monk of Philomelium to Vardan, who in 803 rebelled against Nicephorus I, and his three followers, Leo the Armenian, afterwards Leo V, Michael of Amorium, afterwards Michael II, and Thomas of Gaziura, commonly called the Slavonian,¹ is well known; and though of course no serious historian can accept it as historical fact, attempts have been made to extract information as to the early careers of these three men from it. The object of this paper is to show that in the case of Leo there was a real connexion between him and Vardan, and that the position assigned to him in the story may well be accepted as correct. In the contemporary life of the hermit Joannicius (d. 846) by Peter the monk we find mention of a certain Bryenes 'son of the Turk', to whom Leo was ἐξάδελφος,² while in the parallel life by Sabas he is described as συγκλητικός without record of his parentage, and Leo is called his ἀδελφιδός.³ Now the identity of 'the Turk' can hardly be in doubt, for Theophanes in recording the insurrection of Vardan calls him Βαρδάνης . . . ὁ ἐπίκλην Τοῦρκος,⁴ and Bryenes was therefore Vardan's son. It may indeed be objected that according to the Continuator of Theophanes Vardan after his fall made all his sons enter a monastery,⁵ and a son of his could not therefore be a senator; but, even if the Continuator were a better authority than he in fact is, men who retired into monasteries for political reasons often left them when circumstances changed, and the deaths of Nicephorus and Stauracius made further seclusion unnecessary for the family of Vardan, even if we accept the story of the hagiographers with its prophecy so literally as to suppose that Bryenes was a senator before Leo's accession.⁶

It remains to consider what was the relationship between Bryenes and Leo. The word ἐξάδελφος generally means

¹ p. 8, ed. Bonn.

² ch. 16 (*Acta Sanctorum*, Nov. ii. 392).

³ ch. 16 (*ibid.* p. 347).

⁴ A. M. 6295.

⁵ i. 3, ed. Bonn.

⁶ The title may have been added by Sabas without authority (see below, p. 257, note 7); but, if Bryenes had been a monk, it would probably have been stated.

'cousin', but sometimes 'nephew', while ἀδελφιδός (more usually ἀδελφιδούς) means 'nephew', and no certain instance of its use for 'cousin' is given in the lexicons. Words of relationship at this time were however often used with different meanings (e.g. ἀνεψιός, and in Latin *nepos*), and, if Leo was nephew of Bryenes, he must have been Vardan's grandson, which chronology makes unlikely. Moreover, Sabas not only makes Leo ἀδελφιδός of Bryenes, but also Bryenes ἀδελφιδός of Leo, and therefore, as two men cannot be one another's nephews, we are compelled to take the word to mean 'first cousin'.⁷ Accordingly, as Leo was first cousin of Bryenes, he must have been nephew either of Vardan himself or of his wife Domnica,⁸ and it was therefore natural that he should hold the position in Vardan's army which is assigned to him in the story told by Genesisius, though it would be very unsafe to argue from this that Michael and Thomas were also serving under Vardan. The exact form of the relationship cannot be determined. Leo's father is called Bardas,⁹ which represents 'Vard', and two brothers might very well bear these two kindred names, though Leo might equally well have been son of Vardan's sister or nephew of Domnica. Vardan, as his name shows, was, like Leo and a large proportion of the military leaders of the time, an Armenian, and it is hardly necessary to say that the surname Τοῦρκος does not mean that he was really a Turk, though, as in the case of the name Χάζαρος applied to Leo IV, it may mean that he had Turkish (probably Chazar) blood in his veins.

E. W. BROOKS.

The Materials for the Reign of Robert I of Normandy

ROBERT I, commonly called Robert the Magnificent or, for no good reason, Robert the Devil, is one of the less known figures in the series of Norman dukes. His reign was brief and left few records, and it was naturally overshadowed by that of his more famous son, yet we shall never understand the Normandy of the Conqueror's time without some acquaintance with the period immediately preceding. The modern sketches¹ are scanty and unsatisfactory, and while the extant evidence does not permit of a full or adequate narrative, they can be replaced only when the available material has been more fully utilized and more

⁷ It is very likely that Sabas had no authority except Peter; but even in this case his version shows that he uses ἀδελφιδός for 'cousin', and therefore understood ἐξάδελφος in that sense.

⁸ Cont. Theoph., l. c.

⁹ *Script. Hist. Byz.* (Bonn) xxx. 336.

¹ See, besides the older histories of Normandy, Palgrave, *History of Normandy and England*, iii. 141-90; Freeman, *Norman Conquest* (1877), ii. 179-91; Stenton, *William the Conqueror*, pp. 63-72.

carefully sifted. In this direction the publication of a critical edition of William of Jumièges has at last provided the necessary point of departure.²

The fundamental account is, of course, the sixth book of the Jumièges chronicler, who expressly declares himself a contemporary of the events therein recounted.³ For many episodes this is our only contemporary authority, so that it is especially important to fix its value by checking it at the points where we have other evidence, as well as to supplement its meagre outline by information found elsewhere. On the narrative side the contemporary material is fragmentary and scattered, consisting of the bare mention of Robert's accession and death in the annals, and of disconnected references in the hagiographical literature. The dates of Robert's accession (6 August 1027)⁴ and death (1–3 July 1035)⁵ are fixed by the aid of the local necrologies; the pilgrimage is mentioned by contemporaries like Ralph Glaber⁶ and the *Translatio S. Vulgani*.⁷ The *Vita Herluini* speaks of his relations with Gilbert of Brionne;⁸ the *Translatio Beati Nicasii* places him and his followers at Rouen on 12 December 1032;⁹ Hugh of Flavigny¹⁰ describes his reliance upon the counsel of Richard of Saint-Vannes. The most interesting of these writers is the author of the *Miracula S. Wulframni*, a monk of Saint-Wandrille who wrote shortly after 1053 and who characterizes Robert as follows:¹¹

Hic autem Rotbertus acer animo et prudens priores suos virtute quidem et potentia exequavit; sed pravorum consultui, utpote in primevo iuventutis flore constitutus, equo amplius attendens regnum quod florens susceperat in multis debilitavit. Verum non multo post, celesti respectus gratia et bona que inerat illi natura et consilii iutus, respuit et eos quorum pravitate a recto deviaverat a suo consilio atque familiaritate sequestravit sueque iugo potentie versa vice fortiter oppressit ac se in libertatem que se decebat vindicavit atque ita propter preteritorum

² Guillaume de Jumièges, *Gesta Normannorum Ducum*, ed. Marx (Rouen, 1914). Cf. *ante*, pp. 150–3.

³ vi. 1 'quorum actus partim intuitu partim veracium relatu comperimus'.

⁴ Pfister (*Études sur la Vie et le Règne de Robert le Pieux*, p. 216, n.), who does not, however, meet all the difficulties of chronology connected with the date of Richard III's death, particularly the irreconcilable elements in the dates of the ducal charters of this period. Cf. Le Prévost, *Mémoires et notes*, i. 283. Unfortunately the two dated charters of Robert, neither of which is an original, are not decisive as to his accession, that for Cerisy (see list below, no. 3) placing November 1032 in his fifth year, and that for Montivilliers (no. 17) placing January 1035 in his eighth.

⁵ *Historiens de France*, xxiii. 420, 487, 579. Ordericus, i. 179, gives 1 July.

⁶ Ed. Prou, p. 108. Robert is not mentioned in Ralph's life of St. William of Dijon, who died at Fécamp in 1031: Migne, *Patrologia*, cxlii. 720.

⁷ *Analecta Bollandiana*, xxiii. 269.

⁸ Migne, cl. 697, 699; J. Armitage Robinson, *Gilbert Crispin*, pp. 87, 90. Cf. Robert's relations with Serlo of Hauteville: Geoffrey Malaterra, *Historia Sicula*, i. c. 38 f.

⁹ Migne, clxii. 1165 f.

¹⁰ *Monumenta Germaniae Historica, Scriptores*, viii. 401; cf. *infra*, n. 17.

¹¹ D'Achery, *Spicilegium* (Paris, 1723), ii. 288; Mabillon, *Acta Sanctorum Ordinis S. Benedicti* (Venice, 1734), iii. i. p. 353.

ignorantiam profectus Hierosolimam profunde penituit. Sed in redeundo malignorum perpessus insidias, qui eius equum (quod iam experti erant) verebantur imperium, veneficio, ut didicimus, apud urbem Niceam occubuit ibique intra sanctam civitatis illius basilicam (quod nulli alii mortalium concessum est) honorifica donari sepultura promeruit. Verum vir tantus non pravorum tantum malignitate quam divino, ut credi fas est, iudicio decessit, qui iam unus eorum effectus erat quibus, ut apostolus conqueritur, dignus non erat mundus.

Here the characterization is fuller than in William of Jumièges,¹² but the fundamental agreement is striking and shows the view of his character which prevailed among ecclesiastical writers. The very phrase 'pravorum consultu' recurs in William¹³ and, substantially, in a charter of Abbot Gradulf of Saint-Wandrille, shortly after 1035, who saw no occasion for redressing the balance by a glorification at the end :¹⁴

Quam filius eius et ab illo tercius in regno Robertus, in etate iuvenili perversorum consilio depravatus, supradicto sancto abstulerat confessori. Quo defuncto et a presentibus sublato, filioque illius succedente in regni honore paterno, ego abbas Gradulfus, diu dampnum tam grave perpessus, &c.

Such phrases, taken in conjunction with the troubles with Archbishop Robert and Bishop Hugh of Bayeux described by William of Jumièges,¹⁵ show plainly that there was a strong reaction against the church at the beginning of Robert's reign, a reaction afterwards ascribed to evil counsellors and covered up by the all-sufficing merit of the duke's pilgrimage and death.¹⁶ The facts were evidently too flagrant to be ignored by William of Jumièges, favourable as is his narrative to the ducal house ; not until the time of Wace could they be entirely passed over. The story that Richard III was poisoned by Robert may be in some way connected with the misdeeds of this period. To these years should probably be referred the troubles between the duke and his barons described by Hugh of Flavigny¹⁷ in his curious account of the diabolical machinations of Ermenaldus the Breton, whom Richard of Saint-Vannes carried off to Verdun after re-establishing peace in Normandy, but who returned and by

¹² vi. 2, 3, 12.

¹³ vi. 3 'pravorum consultu sponte sibi delegit'.

¹⁴ Lot, *Études critiques sur l'Abbaye de Saint-Wandrille* (Paris, 1913), p. 61.

¹⁵ vi. 3, 5. Cf. Fulbert of Chartres, in Migne, *Patrologia*, cxli. 225.

¹⁶ On Robert's end cf. *Translatio S. Vulgani*, in *Analecta Bollandiana*, xxiii. 269.

¹⁷ *Monumenta Germaniae Historica, Scriptores*, viii. 401 'Inflammatur princeps adversus optimates, fiunt discidia, excitantur iurgia, et uno intestino bello tota debachatur Normannia'. Besides the information accessible to him in the east of France, Hugh had opportunity to become acquainted with Norman traditions during his visit to Normandy in 1096 (*ibid.* 369, 393 f., 399, 407, 475, 482); his presence in Normandy is proved by an exchange between St. Bénigne and St. Stephen's which he attests (*Archives of the Calvados*, H. 1847) and by a charter of 24 May 1096 which he drafted (original in the library of Bayeux; *Revue catholique de Normandie*, x. 283).

means of the wager of battle secured the condemnation of several Norman leaders at the duke's hands.

The next set of authorities consists of the interpolators of William of Jumièges. The first group of interpolations, assigned by M. Marx to a monk of St. Stephen's of Caen writing under Robert Curthose, comprises two episodes (c. 8 *bis*) illustrating Robert's generosity, that of the smith of Beauvais and that of the poor knight, and (c. 11) the story of Robert's magnificence at Constantinople, as exemplified by the mule shod with gold and the fire fed with nuts. No source is cited for the last of these, which was probably, as we shall see, the common property of the period; but the earlier episodes are recounted on the express authority of Isembert, chaplain of the duke and later abbot of Holy Trinity at Rouen,¹⁸ so that they have contemporary value. The additions of Ordericus, made before 1109, are confined to a fuller account of the family of Bellême, for which he could draw on the local traditions of the region.¹⁹ In his *Historia Ecclesiastica* he adds certain further details respecting the reign: the founding of Cerisy (ed. Le Prévost, ii. 11); the reconciliation by the duke of Gilbert of Brionne and the house of Géré (ii. 25); the banishment of Osmund Drengot (ii. 53); the death of Dreux, count of the Vexin, on the pilgrimage (ii. 102, iii. 224 f.); and a fuller account of the relations of the duke to King Henry I, including the grant of the Vexin (iii. 223 f.).

If, as Stubbs thought probable,²⁰ Orderic's contemporary William of Malmesbury made use of William of Jumièges, he has no confirmatory value where the two accounts agree, as in the mention of the duke's aid to King Henry I or his tears and gifts at the Holy Sepulchre.²¹ The Malmesbury chronicler adds the rumour that the pilgrimage was undertaken in atonement for the poisoning of Richard III; the name of the follower guilty of Robert's death, 'Radulfus cognomento Mowinus'; the guardianship by the king of France; and, in very brief form, the story of Arlette so fully developed by Wace, including her dream and the omen attending the Conqueror's birth.²²

Of subsequent writers much the most important is Wace, who gives a full narrative of the reign which is repeated by Benoît de Sainte-More and the later vernacular chroniclers and has been used without discrimination by modern writers. The

¹⁸ 'Hoc referre solitus erat de duce Roberto Isembertus, primum quidem eius capellanus, postmodum vero sancti Audoeni monachus, et ad extremum abbas sanote Trinitatis.'

¹⁹ He also gives the name of the commander of the fleet, Rabel, in c. 11. See *infra*, p. 267 and n. 41.

²⁰ *Gesta Regum*, p. xxi, citing the text, p. 161 f. Further investigation is desirable on this point.

²¹ *Ibid.* pp. 211, 227.

²² *Ibid.* pp. 211, 285.

question of Wace's sources, first seriously attacked by Körting in 1867,²³ requires a more thorough treatment upon the basis of the more abundant material and the more critical editions now available. His close dependence on William of Jumièges was clearly demonstrated by Körting, so that he must not be used as an independent authority in the portions on which they agree. At several points, however, in the reign of Robert, Wace offers material not to be found in William, partly by way of amplification, as in the account of the visit of Henry I and the campaigns by land and sea against the Bretons, partly in the form of new episodes. These are :²⁴ the foundation of Cerisy (ed. Andresen, lines 2,305-12) ; the poor knight (2,313-38) ; the clerk who died of joy at the duke's gift (2,339-88) ; the smith of Beauvais (2,389-2,430) ; the stories of Arlette and of the Conqueror's infancy (2,833-2,930) ; the investiture of William by the king of France and the guardianship of Alan of Brittany (2,979-94) ; and the full narrative of the pilgrimage (2,995-3,252). Something of the substance of the history of the reign, as well as much of its colour, depends upon the acceptance or rejection of these elements in Wace's poem.

A professional rhymester writing more than a century and a quarter after Robert's death does not inspire confidence as an historical authority unless the sources of his information can be definitely traced, a task which was long considered unnecessary and unfruitful. 'C'est', wrote Du Ménil in 1862,²⁵ 'une question d'un très-mince intérêt, dont la véritable réponse satisfèrait bien mal la curiosité : c'était un peu tout le monde.' Such vague conclusions are not, however, in accord with the trend of more recent investigation, especially since the publication of M. Bédier's studies of the medieval epic, and the comfortable 'tout le monde' of earlier belief has in many instances been replaced by particular individuals or monasteries. Can anything of this sort be accomplished in the case of Wace? The answer is easy if we accept an emendation of Gaston Paris²⁶ in line 3,239, where, speaking of the duke's chamberlain Tosteins who brought back to Cerisy the relics procured at Jerusalem, he says,

De par sa mere fu sis aiues.

This does not make sense, nor does the reading of MS. B, which has 'mis aiues'. If, however, we accept B and emend the first pronoun, we have

De par ma mere fu mis aiues,

²³ *Ueber die Quellen des Roman de Rou* (Leipzig, 1867). It appears from the account of the four sons of William of Bellême (lines 2,461 ff.) that Wace used the interpolations of Ordericus.

²⁴ Cf. Körting's analysis, pp. 51-3.

²⁵ *La Vie et les Ouvrages de Wace*, in *Études sur quelques Points d'Archéologie et d'Histoire littéraire* (Paris, 1862), p. 269.

²⁶ *Romantia*, ix. 526 ff. (1880).

which is perfectly intelligible and makes Tosteins the grandfather of Wace. If this be admitted, the whole narrative of the pilgrimage, as well as some of the personal episodes, would come from one of the duke's companions on the journey, not directly, for Wace could not have known a grandfather grown to manhood by 1035, but through the poet's mother.

In some instances the source can be further identified. Thus for the two stories of Robert's generosity we now have the authority of the Abbot Isembert.²⁷ That of the poor knight Wace reproduces closely, that of the smith of Beauvais he abbreviates; but the inference that he knew them in this form is strengthened by their probable connexion with Caen, where he was a *clerc lisant*. On the other hand, the account of Robert's magnificence at the Byzantine court cannot be derived wholly²⁸ from the interpolation in William of Jumièges, which says nothing of the cloaks used by the Normans as seats and left in the emperor's presence. In this respect the Latin text agrees better with the saga of Sigurd Jerusalem-farer, one of the many forms in which Gaston Paris has traced the story through medieval literature.²⁹ At this point Wace touches the broader stream of popular tradition.

In another portion of his narrative we find a definite and verifiable local source of information. It is noteworthy that in this part of his work Wace gives prominence to Robert's special foundation, the abbey of St. Vigor at Cerisy. Whereas Ordericus and Robert of Torigni barely mention its revival at this time,³⁰ Wace describes the privileges granted to the establishment by Robert, the sending of the relics thither by the chamberlain Tosteins, and the gifts made early in the Conqueror's reign by Alfred the Giant upon entering the monastery. Here we can test his statements by extant documents.³¹ The abbey's jurisdiction is described as follows:

2,309 E tel franchise lur dunat,
Cume li ducs en sa terre ad :
Il unt le murdre e le larun,
Le rap, le homicide, le arsun.

These are not specified in the ducal charter, but there is abundant evidence that such were the crimes regularly included in the grant

²⁷ *Supra*, p. 260 and n. 18.

²⁸ As M. Marx assumes, *Guillaume de Jumièges*, p. xxii.

²⁹ *Sur un Episode d'Aimeri de Narbonne*, in *Romania*, ix. 515-46 (1880). Cf. Riant, *Les Scandinaves en Terre Sainte*, pp. 196 ff.

³⁰ Ordericus, ii. 11; Robert of Torigni, ed. Delisle, ii. 195; William of Jumièges, ed. Marx, pp. 252, 255. Cf. Wace, *Chronique ascendante*, line 213.

³¹ *Monasticon*, vii. 1,073 f.; incomplete in Du Moustier, *Neustria Pia*, p. 431. For the abbey's possessions, see the *Inventaire sommaire des Archives de la Manche*, series H; the index to Longnon, *Pouillés de la Province de Rouen*; and Farcy, *Abbayes et Prieurés du Diocèse de Bayeux* (Laval, 1887), pp. 78 ff.

of ducal *consuetudines* which is there made.³² Concerning the gifts of Alfred the Giant Wace is more definite :

3,593 Une vile, Luvres out nun,
 Qui ert de sa garantisun,
 Od tuz les apartenemenz,
 E l'eglise de Saint Lorenz,
 Ovec l'eglise de Taisie
 Fist cunfermer a Ceresie.

Alfred's charter enumerates likewise 'totam terram meam de Leporibus . . . etiam totam terram quam Walterus presbiter de me tenebat in villa que dicitur Taissei'; and we know that these places, the barony of Lièvres and the churches of Tessay-sur-Vire and Saint-Laurent-sur-Mer, were part of the abbey's domain. Specific detail of this sort could be obtained only from the monks of Cerisy, through whom also would come the history of the relics brought by Tosteins, in case we hesitate to identify him as an ancestor of the poet. Wace had of course ample opportunity to converse with monks from Cerisy at Bayeux and at the court of Henry II, from whom they secured several charters; but there can be little doubt that he visited the abbey itself, which he locates exactly (lines 3,247 f.) between Coutances and Bayeux, three leagues from Saint-Lô, particularly as it was on the natural route between Caen and his native Jersey.³³ As the special foundation of Robert I this monastery would be the natural repository of tradition with respect to him, as Fécamp was for his father and grandfather,³⁴ and Cerisy may well be the source of other elements in Wace's narrative which cannot be distinguished in the absence of any remains of the local historiography.

Our confidence in the general credibility of Wace's account is further strengthened by the confirmation in other chronicles of particular statements of his which are not found in William of Jumièges. Thus the death of Robert by poison is mentioned by the monk of Saint-Wandrille,³⁵ as well as by William of Malmesbury,³⁶ and that of Count Drogo by Ordericus. Ordericus also relates the visit of Henry I at Easter, the grant of the Vexin, and the guardianship of Alan of Brittany.³⁷

³² *Ante*, xxiii. 504, xxiv. 210; *American Historical Review*, xiv. 461 f.

³³ For a later example of the confirmation of Wace by local documentary evidence, compare the account of Grimoud de Plessis (lines 4,219-42) with the charter in the Bayeux *Livre noir*, no. 3, and the inquest in the *Historiens de France*, xxiii. 699 f.

³⁴ See Bédier, *Richard de Normandie dans les Chansons de Geste*, in *Romanic Review*, i. 113-24 (1910), and in *Les Légendes épiques*, iv. 1-18, 389, 406. For Wace's own sojourn at Fécamp and use of its local traditions, see lines 2,246, 2,994, 6,781-918, and lines 1,356-9 in Andresen, i. 87; and cf. Gaston Paris, in *Romania*, ix. 597, 610.

³⁵ Mabillon, *Acta*, iii. 1, p. 353.

³⁶ *Gesta Regum*, p. 211.

³⁷ ii. 102; iii. 223-5. Whether Wace and Ordericus are entirely independent is a matter which needs investigation.

There remains the question how far the chroniclers are confirmed and supplemented by documentary evidence. Any study of such material must be provisional, until the early Norman charters shall have been collected and critically tested monastery by monastery, after the admirable example set by M. Ferdinand Lot in the case of Saint-Wandrille. Meanwhile a rough list of such charters of Robert I as have come to my notice may serve a useful purpose. In the absence of chronological data the list is arranged by religious establishments; grants of his reign attested or confirmed by Robert are included, but not charters of Richard II in which he appears as a witness.

1. AVRANCHES cathedral. Grants enumerated in notice of Bishop John. Pigeon, *Le Diocèse d'Avranches* (Coutances, 1888), ii. 667, from modern copy.

2. BEC. Consents to grant by Abbot Herluin, 1034-5. Mabillon, *Annales Ordinis S. Benedicti* (Lucca, 1739), iv. 361; Le Prévost, *Mémoires et Notes pour servir à l'Histoire du Département de l'Eure* (Évreux, 1862-9), i. 234.

3. CERISY-LA-FORÊT. Foundation charter of the monastery of Saint-Vigor, 12 November 1032. Vidimus of 1269-1313, in Archives Nationales, JJ. 62, no. 96; of 1351, *ibid.* JJ. 79 A, f. 340^v; Cartulaire de Normandie (MS. Rouen, 1235), f. 84. *Neustria Pia*, p. 431; *Monasticon*, vii. 1073, from Norman rolls of Henry V; Delisle, *Cartulaire normand*, no. 768.

4. DIJON, Saint-Étienne. Confirms grants of his predecessors in Normandy. Subsequent to death of St. William in 1031. E. Deville, *Analyse d'un ancien Cartulaire de S. Étienne de Caen* (Évreux, 1905), p. 33.

5. ÉVREUX, Saint-Taurin. Gift mentioned in no. 10.

6. FÉCAMP. Comprehensive enumeration of his gifts to the abbey, 1032-5. Witnessed as follows: +Signum Rotberti Normannorum ducis. +Signum Willelmi filii eius. +Signum domni Rotberti archiepiscopi. +Signum Rotberti episcopi. Signum Gingoloi archiepiscopi. Signum domni Iohannis abbatis. +Signum Willelmi abbatis. +Signum Gradulfi abbatis. +Signum Rainerii abbatis. +Signum Durandi abbatis. +Signum Isemberti abbatis. +Signum Edwardi regis. Signum Balduini comitis. Signum Ingelranni comitis. Signum Gisleberti comitis. Signum Negelli. Signum Osberti senscali (?) +Signum Unfredi vetuli. Signum Richardi vicecomitis. Signum Gozilini vicecomitis. Signum Turstini vicecomitis. Signum Aymonis vicecomitis. Signum Toroldi constabilarii.

Original (?) in Musée of the distillery at Fécamp, no. 3 *bis*. Unpublished; the extracts in La Roque, *Histoire de la Maison d'Har-court*, iii. 19; iv. 1,323, seem to be from this charter. The attestation of Edward the Confessor as king throws some doubt on the document.

7. FÉCAMP. Fuller and more suspicious form of no. 6, with identical witnesses. Pretended original, Musée, no. 4 *bis*. Unpublished.

8. FÉCAMP. Charter notifying agreement between the abbey and Hugh, bishop of Bayeux, with reference to Argences. No witnesses; dated at Fécamp 'die Cęę dominicę quę habita est eo anno .iiii. idus aprilis', i.e. 1028 or 1034. Bibliothèque Nationale, Collection Moreau, xxi. 9, from a lost cartulary of the twelfth century.

9. FÉCAMP. Charter concerning the restoration of Argences to the abbey. Extract in Delisle, *Histoire de Saint-Sauveur-le-Vicomte*, pièces, no. 10, from a modern copy in the Archives of the Seine-Inférieure.

10. FÉCAMP. Charter exchanging Saint-Taurin of Évreux for Montvilliers as a dependency of Fécamp. Martène and Durand, *Thesaurus Anecdotorum*, i. 154. Cf. nos. 5 and 17.

11. JUMIÈGES. Adds his authority to his father's charter of August 1027 (?). Vidimus of 1498 and 1532, and Cartulary 22, in Archives of the Seine-Inférieure, f. 7 ff.

12. JUMIÈGES. Subscribes charter of Dreux, count of Amiens, 1031-5. *Gallia Christiana*, xi. instr. 10; *Neustria Pia*, p. 318; Soehnée, *Catalogue des Actes de Henri I^{er}*, no. 37.

13. JUMIÈGES. Attests charter of Roger of Montgomery. Original in Archives of the Seine-Inférieure; copies, MS. Lat. 5424, f. 184^v, MS. Lat. n. a. 1245, f. 175. See further Loth, *Histoire de l'Abbaye de Saint-Pierre de Jumièges*, i. 158.

13 a. JUMIÈGES. Grants Virville. Loth, i. 204.

14. MONT-SAINT-MICHEL. General privilege. Original in Archives of the Manche, H. 14990 (early copy H. 14991). *Mémoires de la Société d'Agriculture de Bayeux*, viii. 252 (1879); Round, *Calendar*, no. 704.

15. MONT-SAINT-MICHEL. Grant of one-half of Guernsey and other specified lands. Original in Archives of the Manche, H. 14992; vidimus in Archives Nationales, JJ. 66, no. 1496; cartulary in library of Avranches, f. 26. *Mémoires de la Société des Antiquaires de Normandie*, xii. 111; Round, no. 705; Delisle, *Saint-Sauveur*, pièces, no. 9 (extract only, from cartulary); Dupont, *Le Cotentin* (Caen, 1870), i. 463 f.

16. MONT-SAINT-MICHEL. Attests, together with Archbishop Robert († 1037) and others, charter of Edward the Confessor as king granting to the abbey St. Michael's Mount, Cornwall. Cartulary, f. 32^v; Delisle, *Saint-Sauveur*, pièces, no. 18; Round, *Calendar*, no. 708. Robert's name does not appear in the text printed in the *Monasticon*, vii. 989, 'ex ipso autographo', and reproduced by Kemble, *Codex Diplomaticus*, iv. 251. Edward's title has generally been considered to render this charter questionable (cf. Freeman, *Norman Conquest*, ii. 527 f.); see, however, no. 6 for Fécamp and *infra*, p. 267.

17. MONTVILLIERS. Foundation charter of the nunnery, with detailed enumeration of possessions. Given at Fécamp 13 January 1035. Copies in Bibliothèque Nationale, MS. Lat. n. a. 1245, ff. 112, 252; Archives of the Seine-Inférieure, G. 2068. *Gallia Christiana*, xi. instr. 326, from vidimus.

18. PRÉAUX. Consents to foundation of abbey. *Gallia Christiana*, xi. instr. 199.

19. PRÉAUX. Attests confused notice of donation by the hermit Peter. Le Prévost, *Eure*, iii. 169, from cartulary in Archives of the Eure (H. 711).

20. PRÉAUX. Notice of gift of Toutainville to abbey 'illo anno quo perrexit comes Robertus Ierusalem'. *Gallia Christiana*, xi. instr. 200; Delisle, *Saint-Sauveur*, pièces, no. 12 (from cartulary).

21. ROUEN cathedral. Charter of restoration issued conjointly with Archbishop Robert. Cartulary (MS. Rouen, 1193), f. 32 f.; vidimus in Archives of the Seine-Inférieure, G. 3680; cf. [Pommeraye,] *Histoire de*

l'Église cathédrale de Rouen (Rouen, 1686), p. 568, where another form of this charter is also mentioned.

22. ROUEN. La Trinité. Confirms the foundation of the abbey and enumerates its possessions, 1030. *Cartulaire de l'Abbaye de la Sainte-Trinité*, ed. Deville, no. 1; *Gallia Christiana*, xi. instr. 9; *Neustria Pia*, p. 412; Pommeraye, *Histoire de l'Abbaye de Sainte-Catherine*, p. 73.

23-6. ROUEN, La Trinité. Attests four grants to the monastery. *Cartulaire*, nos. 3, 5, 9, 24.

27. ROUEN, Saint-Amand. Confirms foundation. Vidimus of Philip the Fair, in 1313, in Archives of the Seine-Inférieure, and in Archives Nationales, JJ. 49, no. 47; cartulary in Archives of the Seine-Inférieure, f. 5 f. Pommeraye, *Histoire de Saint-Amand*, p. 76; La Roque, *Histoire de la Maison d'Harcourt*, iv. 2224 (extract); *Monasticon*, vii. 1100, from Norman rolls of Henry V. The relation of this charter to no. 22, which it closely resembles, and to the confusion respecting the beginnings of St. Amand, requires investigation.

28. ROUEN, Saint-Ouen. Adds his confirmation to that of his father in charter of 'Enna Christi famula': 'Et hoc signum + predictus comes Rotbertus cum suis episcopis atque militibus, scilicet Nigello, Osberno dapifero, atque aliis nobilibus manu sua' (breaks off). Pretended original, with a duplicate omitting Robert's confirmation, in Archives of the Seine-Inférieure; copy in the Bibliothèque Nationale, MS. Lat. 5423, f. 124^v.

29. SAINT-WANDRILLE. Grant of the church of Arques, and its dependencies, 1031-2. Round, *Calendar*, no. 1422; Lot, *Études critiques sur l'Abbaye de Saint-Wandrille*, no. 13 (from cartulary in Archives of the Seine-Inférieure).

30. SAINT-WANDRILLE. General confirmation, 1032-5. Lot, *Études*, no. 14, where the various copies and editions are given.

31. Sells LE HOMME to his sister Adeliz. Mentioned in charter of Adeliz for La Trinité de Caen. Cartulary in Bibliothèque Nationale (MS. lat. 5650), f. 17^v. Delisle, *Saint-Sauveur*, pièces, no. 34; Round, *Calendar*, no. 421.³⁸

Not more than three of these documents are originals of charters issued by Robert himself, so that no diplomatic study is possible. It is clear that there was no ducal chancery: not only do we find no signature of chancellor or chaplain, but the varieties of style³⁹ and substance point plainly to local authorship. As

³⁸ The grant of Saint-James to Saint-Benoit-sur-Loire mentioned in the Conqueror's charter of 1067 (Prou and Vidier, *Les Chartes de Saint-Benoit*, i. 203), which was ascribed to Duke Robert by Stapleton (*Magni Rotuli*, i. xci), should probably be assigned to his uncle, Archbishop Robert.

³⁹ Thus the duke calls himself 'Ego Robertus Normannorum comes' (no. 3); 'ego Robertus gratia Dei dux et princeps Normannorum' (no. 4); 'ego Rotbertus filius secundi Richardi nutu Dei Northmannorum ducis et ipse per gratiam Dei princeps et dux Northmannorum' (no. 6); 'Robertus nutu Dei Northmannorum dux' (no. 8); 'ego Robertus gratia Dei dux Normannorum' (no. 9); 'ego Robertus comes filius magni Richardi gratia Dei dux et princeps Normannorum' (no. 15; cf. no. 14); 'Robertus divina auctoritate Normannorum dux et rector' (no. 17); 'Robertus divina ordinante providentia Normannorum dux et rector' (nos. 22, 27); 'ego Rodbertus gratia Dei consul et dux Normannorum' (no. 29); 'ego Robertus disposi-

only the charters for Cerisy and Montivilliers are exactly dated, it is impossible to draw up an itinerary or even to follow in the most general way the duke's progress throughout Normandy. The lists of witnesses, however, are sufficiently full to give us some notion of his *entourage*, in which four elements can be distinguished. First come the higher clergy, including regularly the duke's uncle, Archbishop Robert, commonly three or four bishops, and less frequently certain abbots; prelates from beyond Normandy appear occasionally, such as the archbishop of Dol (no. 6) and Odilo of Cluny (no. 29). The great lords of Normandy and the adjacent lands come next: Enguerran, count of Ponthieu, Baldwin of Flanders, Gilbert of Brionne, William of Arques, Mauger of Corbeil, Humphrey 'de Vetulis', Galeran,⁴⁰ Rabel, doubtless the commander of the fleet,⁴¹ and on two occasions (nos. 6, 30), in spite of his tender years, the duke's son William. In this group it is possible also to trace the princes who took refuge at the Norman court: King Henry I, 'qui tunc temporibus profugus habebatur in supradicta terra' (no. 29; cf. no. 12); and the ethelings Edward and Alfred, who appear in no. 29 with 'signum Hetuuardi' and 'signum Alureth fratris E.', and in no. 9 with 'signum Hetwardi, signum Helwredi', while Edward alone is found as king in nos. 6 and 16—a style which can be explained only by rejecting these charters, at least in their present form, or by admitting that he assumed the royal title during the lifetime of Canute. As compared with their importance in the succeeding reign⁴² the group of household officers is small and ill-defined, comprising the seneschal Osbern,⁴³ who generally appears well up in the list but not always with this title, the constable Turoid, who is found at the very end of two apparent originals (nos. 6, 15), and Robert 'pincerna' (no. 15; cf. Round, no. 709); the chamberlains⁴⁴ and chaplains⁴⁵ mentioned elsewhere do not appear among the witnesses. Probably some of

cione divina Normannorum princeps' (no. 30). In the attestation he appears as 'ego Robertus princeps Normannorum gracia Dei dux' (no. 15); 'signum Rotberti marchisi' (no. 22); 'signum Rotberti Normannorum ducis' (no. 6); 'signum Roberti comitis et ducis Normannorum' (no. 30).

⁴⁰ Probably Galeran of Meulan, no. 27. On his difficulties with Robert, see *Neustria Pia*, p. 320.

⁴¹ Nos. 13, 30. See the interpolation of Ordericus in William of Jumièges, ed. Marx, p. 155. Wace (lines 2,795, 2,805) calls him Tavel.

⁴² *American Historical Review*, xiv. 471.

⁴³ 'Procurator principalis domus,' he is called by Ordericus: William of Jumièges, ed. Marx, p. 156. Anfredus likewise appears as dapifer in no. 29. 'Gislebertus senescallus' in *Cartulaire de la Trinité*, no. 5, may not be a ducal officer. Cf. Vernon Harcourt, *His Grace the Steward*, p. 7.

⁴⁴ William of Jumièges, p. 107; Wace, line 3,237. 'Radulfus camerarius filius Geroldi' is mentioned in no. 20.

⁴⁵ Isembert, in William of Jumièges, p. 108; Ernaldus, in *American Historical Review*, xiv. 471, n. 124 (full text in *Archæologia*, xxvii. 26).

those who sign without title are also members of the household. At the end come the *vicomtes*, ordinarily without designation of districts, and attaining in one case (no. 15) the number of seven. In some instances, as in that of the well-known Neal of Saint-Sauveur, *vicomte* of the Cotentin,⁴⁶ it is plain that they too may attest without title.

Whether Robert's reign was marked by any acts of legislation, either secular or ecclesiastical, it is impossible to say. The first Norman provincial council of which we have mention is not earlier than 1042,⁴⁷ and the earliest formulation of ducal custom comes to us from the sons of the Conqueror.⁴⁸ Nevertheless, certain canons of the council of Lillebonne (1080) refer to the practice of Robert's time as the basis of customary right,⁴⁹ and respecting cemeteries the reference is so specific as to incline Tardif to the opinion that some actual document of the period is presupposed.⁵⁰ In this, as in other matters, it is likely that the conditions of Robert's reign often furnished the norm for that of his son.

CHARLES H. HASKINS.

The Date of the Grand Assize

ONE of the chief problems as yet unsolved concerning the legal reforms of Henry II is the date of the Grand Assize. So far as I know, the first mention of it is in Glanvill's work, as the chronicles and records of the reign are all silent on the subject. Seventeen years ago I discussed in a letter to the *Athenaeum*¹ a Yorkshire fine which had just been published by the Pipe Roll Society (vol. xxiii). Its date was 30 October 1197, and it mentioned that the 'tenant' had put himself 'in magna assisa domini Regis de Windlesores ad recognoscendum utrum ipse maius ius haberet', &c. There has now been brought to light in Mr. Farrer's *Early Yorkshire Charters*, vol. ii (1915), no. 1220, another Yorkshire fine, which is of earlier date, 16 October 1182, and of which the text is found in the Bridlington Cartulary.² In this fine the phrase occurs, 'unde predicti canonici posuerunt se in assisam de Windlesor' utrum illi an predictus Thomas maius ius in terram illam haberet'. This confirms the discovery that the Grand Assize was also known as the assize of Windsor, and it

⁴⁶ On whom see Delisle, *Saint-Sauveur*, pp. 2-4, pièces, nos. 1-16.

⁴⁷ Bessin, *Concilia Rotomagensis Provinciae*, p. 39. On the date of this council and on all questions concerning early Norman legislation, see Tardif, *Étude sur les Sources de l'ancien Droit normand* (Rouen, 1911), p. 29 f. ⁴⁸ *Ante*, xxiii. 502-8.

⁴⁹ cc. 11, 13, 48, in *Layettes du Trésor des Chartes*, i. 25. Cf. Ordericus, ii. 318-23.

⁵⁰ *Op. cit.* p. 40.

¹ 28 January 1899, p. 113.

² An English abstract of it will be found in Lancaster's *Chart. of Bridlington Priory* (1912), p. 41.

seems to be the earliest mention of that assize found as yet in any record, and indeed its earliest dated mention. It is important to observe in both documents the phrase 'maius ius', which corresponds exactly with Glanvill's version of the writ, viz. 'uter litigantium maius ius habeat in terra petita'. The mention of Windsor, as I pointed out in 1899, suggests that the Grand Assize had its origin at a great council, like the assize of Northampton. The presumption is confirmed by the words of Glanvill that the king granted it 'de consilio procerum'. This would rather point to the great Windsor councils of April 1170, October 1175, and April 1179. Of these the last occasion would have been peculiarly suitable, closely identified as it was with great legal changes. The comparison of the passages in Hoveden (ii. 89, 190) on the councils of Northampton (1176) and Windsor (1179) will favour this conclusion. It is interesting to note that this conclusion would confirm Stubbs's suggestion :

Unfortunately we are unable to discover the date at which the Great Assize was issued ; if this were known, it would probably be found to coincide with one of the periods at which great changes were made in the judicial staff.³

The date I have suggested for the Grand Assize is, of course, only tentative, but, should it commend itself, it would synchronize in a very interesting manner with the advent of Glanvill to power.

J. H. ROUND.

The Authorship of the Lanercost Chronicle

THE question of the authorship of the Lanercost Chronicle has been discussed at some length by Joseph Stevenson in the preface to his edition of the chronicle (1839), and more recently by the Rev. James Wilson in his introduction to Sir Herbert Maxwell's translation (1913). Both writers relied solely on internal evidence : Stevenson gives convincing reasons for attributing the chronicle to Minorite friars ; Dr. Wilson gives equally convincing reasons for attributing it to the canons of Lanercost. Each, however, fails to rebut or even to weaken the arguments of the opposite side. Stevenson's attempt (pp. vii-viii) to explain away the passage about the episcopal visitation of Lanercost ('Finita praedicatione, visitationem suam prosecutus est, in qua coacti sumus novellas constitutiones recipere,' p. 106) rests on a misconception of the procedure of an episcopal visitation of a religious house, and implies a failure to appreciate the independence of episcopal control enjoyed by houses of the mendicant orders. Dr. Wilson contents himself with making some general observa-

³ *Const. Hist. of Engl.*, § 163.

tions against the theory of Minorite authorship, declaring that 'it requires a robust faith to predicate in the mendicant friar a knowledge of Beda, Chrysostom, Ambrose, Justin Martyr, Gregory, and Augustine' (pp. xxx-xxxi). It required 'a robust faith' to write that sentence.

The fact is that both these writers are right in their positive conclusions, and both wrong in their negative conclusions. The chronicle as we have it is a Franciscan chronicle adapted and interpolated by a canon or canons of Lanercost.¹ The internal evidence for this statement is copious and strong; the external evidence is slight but conclusive.

The external evidence is supplied by the Register of the Grey Friars of London, and will be found in *Monumenta Franciscana*, i. 539-40, and in Mr. Kingsford's *Grey Friars of London* (British Society of Franciscan Studies, vol. vi), p. 196. I quote from the latter. Under the heading *Nomina illorum qui fuerunt Fratres Minores, quondam Reg[es] terreni in seculo habitu sunt* [sic] occurs the following passage:

Frater Iohannes, quondam Rex Armenie; frater Henricus, quondam Rex Ciprie; frater Antonius, quondam Rex Castellie; de quibus habetur in chronicis fratris Ricardi de Dunelmo, lib. viij, c. 9.

Frater Iohannes, Rex Iherosolimorum. De quo in chronicis predictis, lib. vii, c. 4.

Frater . . . Rex Saxonie. Frater Alphurnus, Rex Arragonie. Frater Alphonsus, Rex Beluarie. De quibus in eisdem chronicis.

Mr. Kingsford notes: 'Nothing seems to be known of this writer; but the material here quoted from his chronicle appears to be derived from the *Liber Conformitatum* of Bartholomew of Pisa'. This does not apply to the mysterious 'Rex Saxonie', who is only mentioned here and in the Lanercost Chronicle, in both cases without a name. The latter gives (pp. 31-2) a detailed account of his entry into the Franciscan Order, and refers to his young wife, 'a daughter of the King of Norway', his two sons, and his wife's uncle, the archbishop. The chronicler states that he had the story from a native of the country, 'vir nobilis religiosus sanctus et eminenter literatus', who knew the king in his lifetime, and eventually buried him thirteen years after his entry into the order. It is probable, as Mr. Kingsford suggests, that the 'Rex Saxonie' is identical with the *dux Alzacie in Saxonia* (i. e. Holsatiae) who is mentioned on the next page of the Grey Friars' Register, i. e. with Adolphus John IV, count of Holstein, who became a Friar Minor in 1240, leaving a young wife and two sons.² His wife appears to have been Helwig, daughter of Bernard,

¹ Compare Mr. Craster's conclusions, *ante*, xxix. 557-9.

² *Chronica Principum Saxoniae, Mon. Germ., Script.*, xxv. 474. There seems to be

count of Lippe, and the archbishop to have been her brother, Gerard, archbishop of Bremen, who died in 1258.³ But the point which concerns us at present is the mention of the nameless 'Rex Saxonie' in the Lanercost Chronicle and in the chronicles of Friar Richard of Durham.

The Grey Friars' Register gives no detailed reference for the 'Rex Saxonie'—merely 'in eisdem Chronicis'. For the other royal Minorites detailed references are given—'lib. viij, c. 9', and 'lib. vii, c. 4'.

The Lanercost Chronicle still preserves evidences of having been divided into books, though the division into chapters has disappeared. Book vii begins on p. 21 of the printed edition with the words: 'Septimam huius opusculi incisionem a capitaneis fidei et legum inchoare disponens'; it covers the period from 1216 to 1273. Book viii begins on p. 96 with the words: 'Octavam huius operis partem et quasi nostrae aetatis quietem a novo rege inchoaturi': it covers the years 1273–95. Book ix begins on p. 171, with the marginal note, *explicit liber octavus, incipit nonus*, and the words: 'Iam ad nonam huius operis incisionem tam animum quam stylum applicantes, quae et ratione amovendi fastidii et inchoatione novi seculi novum exigit condere libellum'. There is no sign of a tenth book.

We look in vain in Book viii of the Lanercost Chronicle for the names of the Minorite kings for which the London Grey Friars' Register refers to 'lib. viij, c. 9' of Richard of Durham's Chronicle. But later on in the Lanercost Chronicle (p. 285) is the note: 'De rege Arragoniae, et aliis regibus et filiis regum intransantibus eundem ordinem, habetur supra mcccxcij.' There is nothing about it under the year 1292 (which falls in Book viii); the passage has been omitted by a reviser who did not belong to the Franciscan Order, and was not particularly interested in its history. Friar John, king of the Jerusalemites, for whom we are referred to Richard of Durham, lib. vii, c. 4, is mentioned without name in Book vii of the Lanercost Chronicle (p. 33; anno 1226) in an obscure passage which comes between the account of the death of St. Francis and the history of the 'Rex Saxoniae'. The obscurity of the passage is probably again due to an unintelligent attempt at compression on the part of the reviser.

There is no doubt that the lost original which formed the foundation of the Lanercost Chronicle existed at the beginning of the sixteenth century, and was known among the London

an unfortunate hiatus in this chronicle, and the beginning of the account of Adolphus John is missing. The title 'rex Saxoniae' was very loosely used: it is applied to William Count of Holland in the Annals of Essenbek, 1256; *Mon. Germ., Script.* xxix. 226.

³ *Art de vérifier les Dates*, II. xvi. 277 (ed. 1819). Cf. *Mon. Germ., Script.*, xxiii. 197.

Grey Friars as the chronicles of Friar Richard of Durham. Internal evidence shows that the work which went under Friar Richard's name was revised by canons of Lanercost, who inserted much, omitted and abbreviated an unknown quantity.

The Lanercost Chronicle ends in 1346, and there is some evidence that the whole of the period was included in the chronicles of Richard of Durham. Not only does the description of the battle of Neville's Cross, with the account of the part played in it by the ferociously patriotic Franciscan bishop (pp. 350-1) among many other references,⁴ suggest Minorite origin, but the Grey Friars' Register contains a passage not expressly attributed to Richard of Durham, but clearly taken from near the end of the Lanercost Chronicle. The passage in the Grey Friars' Register, pp. 198-9, runs :

Alius erat frater Philippus, filius Regis Hungarie, qui A^o dni. 1285 [sic] apud Neapolim in Natali domini cum magnis solempniis intrauit ordinem fratrum minorum. Nam dominus Robertus predictus, germanus Sancti Ludowici episcopi, qui tunc erat Rex Sicilie, predicauit in missa, et vxor sua domina Sanxia, soror predicti Philippi, in prandio personaliter ministrauit.

The Lanercost Chronicle, p. 285, has :

Eodem anno [1335] in die Natalis Domini, dominus Philippus, filius et heres regis Arragoniae, et germanus dominae Sanxiae reginae Siciliae, indutus erat frater Minor in conventu Neapolis, cum magnis solempniis, domino Roberto rege Siciliae praedicante in missa indutionis ei [?], domina regina Sanxia ministrante in mensa.⁵

If we assume, as I think we are justified in assuming, that the chronicles of Friar Richard of Durham ended in 1346, it does not follow that the whole work was written or compiled by him. An examination of the Lanercost Chronicle between 1201 and 1346 proves that it was based on the work of two friars, whose personality, style, and conception of history are so different that it would take a far more careful revision than the Lanercost canon

⁴ Allusions to the Friars Minor will be found on pp. 193, 194, 202, 206, 231, 235, 245-6, 246, 251-2, 252-3, 258, 264 (bis), 265, 266, 271, 275, 281, 282, 285, 296-7, 350. The most conclusive is perhaps p. 265: 'Eodem anno (1329) obtinuerunt fratres Scotti vicarium quemdam Generalis Ministri, et a fratribus Angliae totaliter sunt diuisi'. The writer does not even mention the order to which he refers: he assumes that *Minores* will be understood. Mr. Craster's view that 'Eodem anno [sic] the chronicle is mainly, if not entirely, the product of Lanercost canons' is untenable. There seems to me to be remarkably little Lanercost interpolation in this part. In fact, the last obvious Lanercost insertion is that relating to the death of Henry de Burgh, prior of Lanercost, in 1315 (p. 232). I am inclined to believe that all the earlier Lanercost insertions were culled from the note-books of Prior Henry. At what period they were added remains doubtful.

⁵ Sancia was daughter of James of Arragon, king of Majorca. Her elder brother, James, entered the Franciscan Order before 1334 (*Anal. Franc.* iii. 508). On Philip of Majorca, see Barthol. of Pisa, *Lib. Conform.* i. 349 (ed. Quaracchi); *Bull. Franc.* v. 490, vi. 76; Tocco, *La Questione della Povertà*, 299.

bestowed on it to obliterate the distinction. The first friar wrote the chronicle from 1201 to 1297; he shows a penchant for unusual words, such as *ephebi* (e. g. p. 33), *Albanacti* (e. g. p. 190); he frequently introduces personal reminiscences, *narrationes*, *exempla*. The second friar begins in 1298 and continues to the end; he is a far more severe historian, with a knowledge of siege operations; in this part original documents take the place of *narrationes*, and allusions to the writer himself are very rare.⁶ It is more likely that the chronicle passed under the name of the original author than under that of the continuator. Friar Richard of Durham was probably the writer whose work ended in 1297.

Is it possible to fix more accurately the period in which the chronicle was written, establish the main facts of the author's life, and identify him with any known friar? The entry under 1279 was written during the lifetime of William Fraser, bishop of Glasgow, who died on 20 August 1297; the same entry was written after 1285, as there is a reference to the successor of William de Wickwane, archbishop of York, i. e. John le Romain, who was elected 29 October 1285, and consecrated by the pope 10 February 1286. Even later than this there is evidence that the events were not entered in the chronicle in the year in which they occurred. The author in recording the accession of each pope notes at the same time the duration of his reign. Thus under 1287: 'Post Honorium creatus papa Nicholaus quartus et sedit annis quatuor, mense uno, diebus viginti.' This was written after 4 April 1292. Under 1291 he mentions the death of Nicholas IV, and notes that there was a vacancy for 'three years and more'. He should have said 'two years and more', but it is clear that the entry was not made till after 5 July 1294. Under 1294 he notes the election and abdication of Celestine V and the election of Benedict de' Gaetani who 'iam dictus est Bonifacius octavus'. The length of his reign is not mentioned; the author was writing during his pontificate.

In the earlier years of the chronicle there are references to events which occurred long afterwards. It is clear from the writer's mention of the 34 provinces of the Franciscan Order (p. 32,⁷ A° 1226) that he wrote after the year 1263, when the number of provinces was increased from 32 to 34 in the General Chapter at Pisa. The allusion on p. 21 (anno 1215) to the death of Manfred shows that he was writing after 1267. Under the year 1233 the author mentions the capture of Thomas of Galloway, and says that Thomas was handed over to

⁶ He mentions being at Berwick in 1312: p. 221.

⁷ On p. 3 *viginti quatuor* must be a scribe's error for *triginta quatuor*.

John Balliol on the latter's marriage with Dervorguila, and that he remained a prisoner in Barnard Castle 'usque ad decrepitam aetatis' (p. 42). His release was demanded by Edward I in 1285 (p. 116) : it is not clear whether he was released then, or whether he was the octogenarian whom Anthony Bek set free when he seized Barnard Castle in 1296 (p. 177). In any case the entry under 1233 must have been written somewhere near 1285. It may also be doubted whether the reference under the year 1260 (p. 69) to the foundation of Balliol College was written before 1282. The allusions to subsequent events are too numerous and too intimately intertwined in the narrative to justify the supposition of a later revision. There is evidence, too, that the author did not revise ; if he learnt an incident which occurred in a year which he had already written up, he did not go back and insert it in the year to which it belonged, but inserted it under the year on which he was then engaged. Thus he appends⁸ to his history of 1289 an account of a miraculous incident in Milan (which he heard from Scottish students who were at the time passing through Milan on their way to Bologna), and prefaces it with the remark : ' I may add here something that ought properly to have been placed at the beginning of this eighth part [i. e. A. D. 1274], since it happened at that time, but I had not received notice of it in time ' (p. 132).

Among the authorities used is Martin of Troppau : e. g. compare the account of the comet in 1264 (p. 73) and of Clement IV (p. 75) with Martin's Chronicle (*Mon. Germ., Script.*, xx, p. 441) ; and it is clear from a comparison of the passages on Gregory X and Innocent V in the two chronicles (Lanercost, pp. 92, 98 ; Martin of Troppau, p. 442) that our author used the edition of Martin which went down to 1276.

The evidence points to that part of the chronicle which ends in 1297, and which we identify with the chronicle of Richard of Durham, having been begun not earlier than 1280 and finished in 1297. The author tells us a good deal about himself, incidentally. He witnessed the effects of the famine in 1257 (p. 65). He mentions that in 1265 he was at Newcastle-on-Tyne : ' praesens tunc aderam in burgo.' This may perhaps imply that he was not yet a friar. He buried Nicholas Moffet, bishop elect of Glasgow, in 1270 ' in ecclesia sua de Tinigham ' (p. 53 ; probably Tynninghame House, in East Lothian) ; so he was probably a priest and friar at Haddington at this time. Among his informants were a noble who fought at Lewes, a royalist who fought at Evesham, a ' man who was accustomed to probe the secrets ' of Simon de Montfort and his wife (p. 40), the Franciscan confessor of Queen Margaret of Scotland, Hugh the Franciscan bishop of Byblus,

⁸ The subsequent items in this year are clearly Lanercost additions.

a noble who attended on behalf of the king of England the conference at 'Cambrun' (p. 169: Cambrai? January 1296). He dined with Robert de Coquina, bishop of Durham († 1284), and was intimately acquainted with Euphemia, countess of Dunbar, and Patrick her son († 1289)—was perhaps confessor to the former (pp. 54, 82-3). He was at Newcastle in 1285 (p. 119), at Carlisle in 1292 (144-5), and resident in the Franciscan friary at Berwick in 1296 (p. 172). He seems to have had first-hand knowledge of all the Franciscan houses in the Custody of Newcastle (except Dundee), namely Newcastle, Richmond, Hartlepool, Carlisle, Berwick, Roxburgh, Haddington, Dumfries. On the other hand, his knowledge of Franciscan houses in the south is, with one exception, second-hand. Thus he knew of events at Bristol from a Bristol friar 'who came to our congregation'. The one exception is Oxford.

The author had been at Oxford. Speaking of the image of the Virgin which had influenced St. Edmund of Canterbury, he says, 'quam saepe et una cum tota universitate vidimus' (p. 36). When was he at Oxford? Clearly some time after 1260. A Franciscan who knew Oxford about 1260 could not have said that Adam Marsh died the same year as Grosseteste, i.e. 1253 (p. 58). The mistake is the more curious as the author in another place is on the track of the correct date: in 1261 he writes, 'Londoniis die tertia comperiunt magistrum theologiae, fratrem Willelmum de Mideltoun, Parisius obdormisse, et alterum consimilem officio Oxoniae finem fatalem excepisse'. The General Chapter of Narbonne in 1260 ordered masses to be said for the souls of William de Middleton and Adam Marsh.⁹ Under the year 1266 he mentions that Prince Edward took with him on crusade (1270) Friar William de Hedley, lector of the Friars Minor at Oxford; but Friar William was probably a native of Durham or Northumberland. Most of the references to Oxford fall between 1280 and 1290: an event recorded under 1285 but occurring four years earlier (p. 118); the heroic death of the sometime guardian of the Oxford friary at Tripoli (1289), and the account of the payment of a debt during his term of office (p. 130); a miracle of St. Francis through the intervention of a Friar Minor in 1290 (p. 136). But apart from his knowledge of the Oxford Franciscans the author is singularly well acquainted with the inner history of the foundation of Balliol College. He does not talk, like the Chronicle of Melrose (which he sometimes uses as an authority), of John de Balliol's love of scholars; he knows that the maintenance of scholars at Oxford was imposed on John de Balliol as part of a penance inflicted by Walter de Kirkham, bishop of Durham.

⁹ *Archiv. Franc. Hist.* iii. 504.

Sed episcopus, erectis animis, ita sagaciter fugitivum filium reduxit ad sinum, ut solemniter ad ostium Dunelmensis ecclesiae, inspectante omni populo, de manu antistitis vapularetur, ac summam certae sustentationis scholaribus Oxoniae studentibus assignaret perpetuo continuandam (p. 69).¹⁰

It was not till 1282 that Dervorguila took steps to make the endowment of the college a permanent one, and she employed as her agent in this work Friar Richard of Slickburn or Sleckburn, whose activities can be traced in the college deeds between 1284 and 1287. As these years coincide with the period when Richard of Durham was most closely connected with Oxford, the question arises whether he can be identified with Dervorguila's agent. Sleckburn, though geographically in Northumberland, was politically situated in an outlying portion of the Palatinate. The author of the Lanercost Chronicle speaks with reverence of Dervorguila, but in terms which do not imply, though they do not exclude, personal acquaintance. There is no evidence of any foundation for the tradition that Richard of Slickburn was Dervorguila's confessor. It is, however, not improbable that among the some hundred and twenty friars belonging to the northern custody there were two Richards born in the Palatinate of Durham, and closely connected with Oxford between 1280 and 1290.

Another line of investigation which suggested itself may be indicated, though it led to no definite results. There seemed at least a *prima facie* case for inquiring whether the author of the last part of the Lanercost Chronicle might be identified with Thomas of Otterburn. The last part of the Lanercost Chronicle ends in 1346, and was probably written about that time, certainly by an English Friar Minor on the Scottish border. Friar Thomas of Otterbourn, O.M., S.T.P., was licensed to hear confessions in the archdeaconry of Durham in 1343.¹¹ Sir Thomas Gray, in his prologue to the *Scalacronica*, describing a vision in 1355, and written probably a few years later, mentions with special honour the chronicles of 'Thomas de Otreburn, un mestre de diuinite et del ordre de Frers Menours'. It is unlikely that there should have been two English Friars Minor on the Scottish border writing chronicles about the same time. It was natural that Sir Thomas Gray should know and value highly a chronicle (i. e. the original of the Lanercost Chronicle) which recorded the benefactions of his ancestors to the Grey Friars of Berwick. The chronicle printed under the name of Thomas of Otterbourne by Hearne, and apparently first ascribed to him by Stow, though written by a

¹⁰ It may be noted that the author suppresses the name of John de Balliol in this passage—perhaps to spare the feelings of surviving relatives.

¹¹ *Register of Ric. de Bury*, ed. Kitchin (Surtees Soc., 1910), p. 28.

north country man, bears no traces of having been the work of a Franciscan, and goes down to 1420, fully half of it being devoted to the reigns of Richard II, Henry IV, and Henry V.

That is the *prima facie* case. But Hearne's Otterbourne cannot be ruled out of court simply on the ground of its late date, because Bale¹² notes an anonymous manuscript of the work ending in 1360: 'Chronicon incerti auctoris a Bruto usque ad a.d. 1360. (*Inc.*) Nactō olim otio a tumultu seculi.' If this is not a fragment but a complete first recension, it might be by Sir Thomas Gray's Thomas of Otterburn, but this would imply that there are a good many interpolations in the earlier half of the chronicle as printed by Hearne. Thus there are references to the fifteenth century on pp. 42-3, 62, 116-17.

The attempt to compare the three chronicles labours under special difficulties. Only one of them (Hearne's Otterbourne) is printed in full; of the others one (*Scalaonica*) is in French, the other (*Lanercost Chronicle*) exists only in an altered, abbreviated, and interpolated version. There is nothing to suggest that Hearne's Otterbourne and the latter part of the *Lanercost Chronicle* were by the same hand. Otterbourne and the *Scalaonica* give almost the same list of authorities: Galfridus Arthur, Bede, William of Malmesbury, Henry of Huntingdon, Roger of Hoveden, Higden's *Polychronicon*; to these the *Scalaonica* adds Gildas, Marianus Scotus (who is also referred to by Otterbourne, e. g. p. 84), and John of Tynemouth. But I have failed to find any evidence of direct borrowing on the part of the *Scalaonica* from Otterbourne.

A comparison between the *Lanercost Chronicle* and *Scalaonica* gives equally inconclusive results. Two of the rhyming verses about Boniface VIII quoted in *Lanercost* (p. 176),

Ex re nomen habe, benedic, benefac, benedick;
Aut haec perverte, maledic, malefac, maledick,

occur in *Scalaonica* (p. 135), but they are also found in Rishanger, Walsingham, Higden, and others, and all these agree with Gray (against *Lanercost*) in reading 'A' for 'Ex' and 'rem' for 'haec', and in applying the lines wrongly to Benedict XI.

The account of the conversation between King John and the legates in 1211 in the *Scalaonica* is not taken from *Lanercost* but from the *Annals of Waverley*,¹³ from which *Lanercost* also appears to have drawn. And Sir Thomas Gray has no reference to the arrangement about Berwick which follows immediately in

¹² *Index Brit. Script.*, p. 485.

¹³ Or a more correct version: thus *Scalaonica* says the promulgation of the sentence was entrusted in Scotland to the bishops of St. Andrews and Glasgow, which is more likely than to the bishops of Rochester and Salisbury, as the *Waverley* annalist has it.

the Lanercost Chronicle (p. 7). Both Lanercost and Scalacronica mention the fall of the bridge at Berwick owing to a flood (1294), but the details differ. Both emphasize the connexion between the Scots' attack on Carlisle (26 March) and Edward's advance on Berwick (28 March) in 1296: Lanercost Chron., p. 162, ' . . . civitatem Karlioli viriliter impugnarunt . . . Hoc audito ex adverso rex Angliae contra Scotos vexilla apud Berwike direxit ' ; Scalacronica, p. 122 (transl. p. 15), the Scots ' arderent la suburbe de Cardoil, et la assistrent. Le roy Edward, qi ceo avoit oy, se trey devaunt Berewik.' Gray's brief account of the claimant to the throne in 1318 (Scalacronica, 147-8) is probably derived from Higden (viii. 308); but both Gray and Lanercost (p. 236) bring the incident into connexion with Edward's addiction to mechanical arts and such vulgar amusements as rowing. Gray's mention of the Ragman Roll—' les endentures del obeisaunz dez seignours Descoce, lour sealis pendauntz, qe hom appelloit Ragman ' (p. 155)—may imply a reminiscence of the explanation of the word Ragman in Lanercost (p. 261): ' propter multa sigilla dependentia Ragman vocabatur '. But this is one of the passages where the Scalacronica more nearly resembles Hearne's Otterbourne: ' litera quae vocatur Ragman cum sigillis de homagio facto nobili regi Edwardo I ' (p. 144). All these instances are entirely inconclusive. It is not unlikely that some one better acquainted with the details of Anglo-Scottish border history might discover more conclusive instances, but if such exist, they would probably have been brought to light by Joseph Stevenson, who edited both chronicles, or by Sir Herbert Maxwell, who translated them.

It is worthy of note that Sir Thomas Gray in his prologue gives Thomas of Otterburn a very peculiar position. He is mentioned with especial honour as the supporter of the ladder, which was to give the prisoner access to the masterpieces of history, but he is not one of the primary authorities on whom the Scalacronica is to be based. These were (besides the Bible and ' la gest de Troy ') Geoffrey of Monmouth and Gildas; Bede; Higden's Polychronicon with the chronicles of William of Malmesbury, Henry of Huntingdon, Roger of Hoveden, Marianus Scotus; the Historia Aurea of ' le vikeir de Tilmouth '. These represent the first four steps of the ladder; the fifth has to do with future events. ' And there is ', said the Sibyl, ' the Cordelier whom you see holding the ladder, Thomas de Otreburn, a master of divinity and of the Order of Friars Minor, who concerned himself with the chronicles of this isle, so that if peradventure you can attend continually to the properties of the said steps of the said ladder, then search the chronicles of the said Thomas, which will show you the right way '. It is clear that Gray knew the chronicles of Friar Thomas of Otterburn, but did not intend to use them as

a primary authority but rather as a model summary. This may explain why it is so difficult to prove any direct indebtedness of the Scalacronica to either Hearne's Otterbourne or to the Lanercost Chronicle, but it does not help us to decide which, if either, of these is the chronicle of 'Thomas de Otreburn, un mestre de divinite et del ordre de Frers Menours'. It must be admitted that the succinct narrative of Hearne's Thomas of Otterbourne down to 1360 would be a much better model for a summary than the more rambling Lanercost Chronicle.

The only definite conclusion we can come to is that the original of the Lanercost Chronicle was known to the Grey Friars of London at the beginning of the sixteenth century as the *Chronica Fratris Ricardi de Dunelmo*, and was probably in their library.

A. G. LITTLE.

The English on the Gironde in 1592-3

DURING the last war of the League the district of Bordeaux was saved for Henry of Navarre by Marshal Matignon,¹ but the neighbouring ports of St. Sebastian and Pasajes were used by the Spaniards for fitting out their vessels, and the easy water-way of the Gironde tempted them to assist the leaguers. The town of Blaye on the north shore had revolted to the league, and in 1592,² at the request of Henry IV. Elizabeth authorized the maintenance of English vessels in the Gironde;³ two years previously Matignon had allowed English ships with their guns to go up the river to Bordeaux. But it was the defection of Jean Paul d'Esparbey de Lussan, the governor of Blaye, which rendered the help of England necessary.⁴ Châteaumartin, a native

¹ 'Monsieur le maréchal est gouverneur de Guyenne province fort grande, et en laquelle il y a beaucoup de ligueurs. Toutesfoys le parlement, et la ville qui est la principale, tiennent pour le roy; et [il y a] infinies aultres bonnes villes faisant ordinairement la guerre les unes aux aultres': State Papers, France, Record Office, vol. 28. This description was made by the Vicomte Turyn in the autumn of 1592.

² See below, letter I. The following letters are printed from the Foreign State Papers at the Record Office, with the exception of two which are taken from the Cecil MSS. at Hatfield House.

³ For avoiding attacks on English shipping in the river of Bordeaux by Monsieur de Lussan, the French king moved her majesty to furnish six vessels of war for six months: to save time and expenses Houghton (farmer of the imposts) undertook to defray the charges. The council desired that there should be no risk, and the king promised that the cost would be repaid by a collection at Bordeaux: State Papers, Domestic, Eliz., vol. ii, November 1592.

⁴ Châteaumartin wrote to Burgbley from Bayonne, on 27 February 1592: 'Le Marquis de Villars est arrivé en Espagne: il s'est embarqué à Blaye sur un navire du Lussan. Vous pouvez voir par ça comme led. Lussan est affectionné au service du Roy. Comme je vous ay escrit, ay les forces d'Espagne passent par terre en France sans doute celles de mer yront aussy à la rivière de Bordeaux, ay vos forces n'empeschent': State Papers, France, vol. 27.

of Bayonne, who was in the confidence both of Matignon and of Lord Burghley, went to England to assist in the dispatch of the small expedition. Matignon was determined to attack the town of Blaye, but the king sent Roquelaure⁵ to him with instructions to win over Lussan by persuasion if possible. Accordingly, Lussan was offered a garrison of 300 men and the governorship of Blaye, as well as a position for his son in the royal army, if he would recognize Henry IV; but Lussan persisted in demanding extravagant bribes for his loyalty. Lussan entered into alliance with Spain and armed some boats, with which he patrolled the Gironde. Matignon wrote to the admiral of the Flanders fleet, who was at La Rochelle, asking for help to attack the Spaniards who intended to enter the Gironde; he himself would furnish three war ships and two small galleys. The next step was to entice a suspected official, Merville,⁶ out of the Château du Ha. Roquelaure received Merville and gave him letters from the king ordering him to hand over the castle to the marshal. Merville complied, and Matignon established his own garrison under Frontenac in the Ha.

Matignon could now give his undivided attention to Lussan.⁷ Towards the close of 1592⁸ the Flanders ships and the English were in the river ready to blockade Blaye,⁹ and Matignon attacked at the same time by land.¹⁰ The count of La Roche, Matignon's son, led a storming party and apparently drove in the outlying defenders, for Matignon, seeing that Lussan was closely confined to the walls of Blaye, settled down to a siege. Lussan was a man of resource, and besides strongly fortifying his position managed to communicate with other leaguers. Accordingly Castelnau, the governor of Marmande, collected 800 men and placed them on numerous boats. They started from Preignac and arrived safely at the junction of the Garonne and the Dordogne, where the English vessels were on guard, but very few made good their entrance for the relief of Blaye.¹¹ Matignon's troops attacked the town and fought with great vigour, and made so large a breach that it was dangerous for the defenders to try to repair it: partly hidden by the smoke the marshal's troops crossed the ditch and Blaye seemed likely to be won. At this point La Roche was wounded, it was thought mortally, and his officers abandoned the attack to see him carried to a place of safety.

⁵ Roquelaure was Maitre de Garderobe and one of the council of war.

⁶ 'The other castell [of Bordeaux] called Chasteau de Ha wher the great seneschal Mons. Marville remaineth a man suspect.' See the 'State of Gascoyne and Guyenne', a paper perhaps drawn up by the ambassador Unton, either at the very end of 1591 or early in 1592: State Papers, France, vol. 27.

⁷ 'Lussan is gouvernour ther [i. e. Blaye], a man suspecte, and an enemye in particular to the mareschal': *ibid.*

⁸ See below, letter III.

⁹ Letters II, IV.

¹⁰ Letter V.

¹¹ Letter VI; Caillièrre, *Histoire de Matignon*, ed. 1661, pp. 321 seq.

A couple of months later, in April¹² 1593, sixteen Spanish vessels appeared off the Gironde to attack the forces of Matignon. The wind being in their favour they encountered the English ships near Bec d'Ambès, and by means of 'brûlots' set fire to two of them; the English, however, sank three Spaniards.¹³ Matignon, who saw that the English were outmatched, brought twelve guns to the river's bank and played upon the Spaniards with good effect. The *Histoire de Matignon* and the Bordeaux archives agree in saying that if he had not so acted, the English fleet would have run a great risk of being totally defeated. The English ships went up to Bordeaux to repair damages and tend their wounded.¹⁴ Not much activity was shown by either side for about three days, but the siege was maintained and the works pushed forward on land. The marshal saw that so long as the Spaniards were masters of the mouth of the Gironde, Blaye could hold out; for it was not possible to cut off its supplies of food, ammunition, and men. He accordingly, with the advice of the English commander, ordered some ships of Saintonge,¹⁵ powerfully armed and in charge of La Limaille, 'fameux homme de mer', to attack the Spaniards in the lower reaches of the Gironde; whilst he himself co-operated with his fifteen vessels. The marshal himself went on board *the admiral* and attacked the Spaniards so vigorously that four of their ships were sunk, and they sailed in disorder down-stream. It was now that Limaille should have fallen upon them near the mouth of the Gironde: but either through treachery or, as he said, the contrary wind, he allowed the enemy to gain the open sea.¹⁶ The 'fameux homme de mer' was a disappointment. Shortly afterwards six

¹² 23 April, according to Gaspeteau, *Chronique Bordelaise*, where it is stated that most of the Spanish ships were manned by *Biscayens et même français liqueurs*. Pedro de Zubian and Juan de Villaviciosa were the Spanish commanders. Cf. Letter VII.

¹³ *Chronique Bordelaise*. The probable result is confirmed indirectly by Châteaumartin. The *Chronique* records the fury of the struggle owing to the hatred of English and Spaniards. Thomas Phelippes, writing to Mr. Sterrell, Epping, 5 July 1593, says that he has talked with some from the fight at Blaye and finds that the chief loss was the sinking of Houghton's ship of London, £1,500, but a double gain to the public, for she sank two and slew many: the rescuing of Blaye was well worth a greater matter than that: State Papers, Domestic, vol. 71. Phelippes was 'customer' of the port of London. Sterrel, or St. Main, or Robinson was one of the numerous English spies.

¹⁴ 'Les dames et damoyelles et, à leur exemple, les bourgeois faisoient à l'envi qui les assisteroit plus charitablement dans l'hospital et aultres maisons ou ils estoient logés': *Chron. Bord.* i. 312 seq. 'Despensés 50 écus d'or à un hostelier qui logea certain nombre d'Anglois blessés et griefvement bruslez lors du combat. 50 écus sol au chirurgien Dominique Ange qui les soigna': Arch. de Bordeaux, B.B. 39. 'I am very sorry for Mr. Wilkinson and the rest which were lost in the river of Burdeus; but for my part I was resolved of the success beforehand and so much as told Wilkinson before his departure': Raleigh to Robert Cecil, 10 May 1593, Cecil MSS. xciii. 22.

¹⁵ These are what Châteaumartin calls the Rochelle ships of St. Luc.

¹⁶ Letter VII.

other Spanish vessels, aided by a dark night and a favourable wind, as well as by the negligence of the Flanders ships, came up the river with men and stores for the besieged at Blaye. Thus the plans of Matignon were frustrated, and after repulsing several sorties he determined to raise the siege.

By combining the information given by the Bordeaux archives, the letters of Châteaumartin, and the account in the *Histoire de Matignon*, we gather that there were two separate naval battles. The first, in which six English ships engaged a greatly superior Spanish force off Bec d'Ambès and were compelled to retire up to Bordeaux; while the Spaniards, disheartened by their losses and thrown into some confusion by Matignon's guns, sailed down-stream. The second, in which the marshal's fifteen ships, amongst them the English vessels which remained fit for action, charged the Spaniards near Blaye so as to drive them into Limalle's squadron, which was waiting near the mouth of the Gironde to complete their destruction. It was the result of this battle which undid all the previous attacks on Blaye. Some accounts confuse these two separate battles. For instance, according to Mézeray¹⁷ La Motte Castelnau, the governor of Marmande, sent Lussan one hundred and twenty-seven men in small boats past Bordeaux, and, in spite of the English vessels at Bec d'Ambès, landed on the further bank of the Gironde. The English could not go out against them to sink them, but went down-stream to wait. However, Castelnau's men landed by night and took the road over the fields:

à une lieue de là ils passèrent sur le ventre de quelques communes et abordant devant Blaye ils emportèrent un fort des assiégans; puis, après l'avoir renversé ils entrèrent glorieux dans la place.

It is difficult to believe that Castelnau's boatfuls of men could float through Bordeaux without being stopped. Châteaumartin, in a letter to Burghley,¹⁸ helps us to understand what happened. He says that the diversion attempted from Marmande was only able to introduce twenty-four men safely into Blaye.¹⁹ So far from avoiding the English ships, they were evidently stopped by them and the besiegers.

Mezeray mentions the suspicion attached to Limalle's conduct,²⁰ and further tells us that Bordeaux gladly contributed

¹⁷ *Histoire de France*, 1651, i. 162. See also Gélineau, *Le dernier triomphe de la Ligue* (Paris, 1905); La Roncière, *Histoire de la Marine française*, iv. 234 seq. (Paris, 1910).

¹⁸ Letter VI.

¹⁹ One who took part in the expedition speaks of 120 men and 3 boats: Arch. Hist. de la Gironde, vol. 44, p. 258.

²⁰ 'Il y avoit apparence que si la Limalle eust aussi chargé les Espagnols, ils ne se fussent pas aisément tirez de là. Mais soit par la faute de ce capitaine, soit par la faveur du vent, qui s'éleva fort à propos pour eux, ils échappèrent.' M. Gebelin

to the expense of Matignon's fifteen ships because Lussan by means of two cutters exacted a heavy toll on all goods which passed Blaye. Châteaumartin says that the people desired Lussan's ruin because he would have introduced the Spaniards into this country,²¹ i.e. the Bordelais; both reasons no doubt told. However, when the raising of the siege was inevitable, Châteaumartin wrote that the most part would be much annoyed if the marshal were to take the place.²² Another letter shows that the chances of reducing Blaye were becoming slight and that other projects were being regarded as of more importance.²³ The statement that Brittany was that part of France which most attracted Philip is interesting; ²⁴ so too is Châteaumartin's very spirited scheme for destroying the Spanish fleet at Pasajes. We may note his desire to have Drake employed, and the account of the panic which the mere mention of his name caused in Spain.

The raising of the siege of Blaye in June 1593 was one of the last successes of the league, and the efforts made for its reduction show that Lussan was a capable defender of a fortress. Matignon ²⁵ undoubtedly thought the place worth taking, but he was a cautious man and was hindered by the secret friends of the league in Bordeaux.

Throughout this period there were numerous complaints of acts of piracy committed by English and French upon each other's ships. Bristol and St. Malo were apparently the chief offenders. The methods of obtaining satisfaction were cumbrous and justice was long delayed. Satisfaction was often only obtained by the threat of issuing letters of marque against the shipping of the guilty ports.²⁶

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informs me that Limaille's responsibility is largely covered by an order of Matignon which forbade any isolated action. Moreover, the Rochelle ships only arrived at Royan on 2 May, and finally he was afraid of the numerous sand-banks: these are marked on the plan referred to below, p. 287, n. 9. Compare Gebelin, *Le Gouvernement de Matignon en Guyenne pendant les premières années du règne de Henri IV*, p. 136.

²¹ Letter V.

²² Letter X, June 1593.

²³ Letter VIII, May 1593. The Hatfield collection contains a long series of Châteaumartin's letters down to July 1594, but no further mention of Blaye.

²⁴ English help was subsequently mainly directed to Brittany. The saving of Brest from the Spaniards, November 1594, was the most effective of the English efforts. This action cost Frobisher his life.

²⁵ Matignon's solid work is tersely summed up by Caillière: 'Cependant le maréchal surmonta tant d'obstacles invincibles à tout autre: il se fit reconnoître au peuple comme ennemi de l'hérésie: il résista aux censures injurieuses de la cour de Rome: il désabusa le parlement: il fit châtier les prédicateurs séditieux; il tailla en pièces ceux qui prenoient la fureur pour le zèle; et conserva la ville capitale de son gouvernement dans l'obéissance du roy.'

²⁶ See an instance in May 1593 in the *Calendar of State Papers, Domestic, 1591-4*, 351-2.

I. *Châteaumartin to Burghley*

State Papers, France, vol. 28.

Led. roy d'Espagne fait estat d'envoyer Lansac avec huit navires, douze galliaces, & quelques gallères en la rivière de Bordeaux pour se joindre à Lussan, & essayer, s'ilz porront, revolter la ville comme ilz ont promis; aussy affin de tenir monsieur le maréschal occupé quand les forces d'Espagne entreront; de sorte qu'il ne puisse empescher l'exécution de leur dessain.

Je ne fais point mention des navires de guerre que j'avois propozé à sa Majesté pour la rivière de Bordeaux, parceque j'entens que monsieur l'ambassadeur le traicte.

Il se tient à Fonterabie un anglois, nommé Rolston, que le roy d'Espagne entretient pour conduire les intelligences d'Angleterre. Sy sa Majesté trouve bon que j'essaye de le prendre, je m'y employeray. Il y a un aultre anglois à Madrid, nommé Standen,¹ qui a decouvert tout ce que monsieur le maréschal & monsieur Bacon avoit traité avec luy: l'occasion pour quoy il avoit esté eslargy des prisons de Bordeaux.²

Bordeaux, 23 Juin 1592.

II. *Châteaumartin to Burghley*

State Papers, France, vol. 29.

Ayant trouvé la commodité de ce porteur j'ay bien vollen advertir Vostre Srie de mon arrivée en ces cartiers qui n'est que depuis quatre jours, m'ayant esté impossible de m'y pouvoir randre plutost à cause du temps qui a tousiours esté contraire; ce qui m'a retenu en Angleterre jusques au setièsme de ce mois que je partis de Plimue³ avec les navires de guerre qui partirent de Londres dediés pour aller en la rivière de Bordeaux. En venant nous avons trouvé au droit de Belleisle des navires de guerre espagnols, ceux qui sont d'ordinaire en Brettagne, qui combattoient quatre navires anglois marchans de ceux de nostre flotte qui s'estoint trop avancés; & en ont pris ung avant qu'il nous aye esté possible de les secourir, & les heussent pris tous quatre, s'il n'eust esté la crainte qu'ilz ont heu de nous, quant ilz nous ont veu aprocher; qui a esté occasion qu'ilz ont laissé le combat & s'en sont fuis. Ilz ont abordé deux fois deux desd. navires anglois qui se sont bravement défendus, & ont tué bien cent des ennemis qui s'estoint gettez dans leurs navires aud. abordage. Il en est demeuré six en vie qui sont prisoniers & rapportent que quatre desd. navires espagnols, des meilleurs de leur troupe, se devoit randre en la rivière de Bordeaux, & se joindre à d'autres qui doyvent venir d'Espaigne: il y a apparence que les espagnols ayent quelque dessain, car un bретton venant de St Sébastien, qui en est party il y a quinze jours, m'a asseuré que à Laredo & au passage il y a vint & deux navires tous prests pour se randre dans lad. rivière. Nous sommes ycy attendant le temps pour y aller; sepandent j'ay adverty monsieur le mareschal de nostre venue, duquel j'attends réponse. Sepandent je me tiendray sus lesd. navires de guerre pour donner l'ordre, ce qu'il sera

¹ Antony Standen, a man who was much employed in the Spanish interest.

² The letter bears no signature.

³ Plymouth.

besoing. Arivant ycy nous avons trouvé cinq navires de guerre de monsieur de St Luc qui ont vollu contraindre les anglois de payer un certain nouveau droit de quatre pour cent sur toutes les marchandises qui viennent d'Angleterre en ces cartiers, & deux écus pour chaque tonneau de vin qu'ilz chargeront pour Angleterre : de quoy ceux de La Rochelle sont grandement escandalisés. Enfin nous avons empesché, par le moyen desd. navires de guerre, que lesd. navires de mond. Sr de St Luc n'ont point contraint les anglois, & l'empeschent tant que nous serons ycy. J'ay bien vollu en advertir V. S. affin que sa Maj. le fasse entendre au Roy, & remontra qu'il n'est pas raisonnable que les anglois sont traictez comme cella. Madame, seur du Roy, est arrivée à Bordeaux & s'en va en France⁴ : toutesfois je croys qu'elle y séjournera quelque temps parceque monsieur le mareschal, qui la doit conduire, ne porra habandonner Bordeaux qu'il n'y a pas donné hordre sus des advertissements d'Espagne, & proveu à la seuretté de la rivière. Messieurs de La Rochelle tiennent encores prisonniers les anglois & irlandois⁵ qu'ilz priudent venant d'Espagne, dont je vous ay parlé. Ils m'ont promis de les envoyer à Sa Maj. par les premiers navires qui partiront d'icy, & j'espère qu'il se pourra avoir de choses qui aporтерont de l'utilité au service de sad. Maj.

De bord du navire en la Pallice, 17 Nov. 1592.

Sur ce je prie etc.

III. *Matignon to Burghley*

State Papers, France, vol. 29.

J'ay receu la lettre du 3 juillet dernier, que je tyens à beaucoup de lire l'honneur, mesmes l'assurance, qu'il vous plaist me donner de vostre amytié, que je désire conserver par tous les bons offices & services que j'auray jamais moyen de vous fayre ; & à ceulx qui vous appartyennent. Pour le regard de Mons. de Baccon je suys très marry qu'il ne s'est présenté occasion, pendant qu'il a esté de deça, où je luy aye peu fayre davantage. Sa prudence aura peu excuser les troubles qu'il a recognu y estre, & qui y sont encores. J'espère que avec le bon secours des navires qu'il a pleu à la sérénissime royne, vostre bonne maistresse, nous envoyer, avoyr maintenant la raison de ceulx de Blaye ; qui nous empeschent en ceste rivière le principal traffique qui s'y fait par les marchans anglois. La sérénissime majesté de la royne n'a pas seulement gagné les cœurs de ses subjects, mays aussi de tous les bons françoys & serviteurs de ceste couronne, qui recognoissent le principal soutyen⁷

⁴ That is, the land north of the Loire.

⁵ Compare Burghley's letter to the Mayor of La Rochelle, asking him to capture some Irishmen of Wexford who were suspected of disloyalty and machinations, January 1592 : State Papers, France, vol. 27.

⁶ The roadstead of La Rochelle. The port of La Pallice is only twenty years old.

⁷ M. de Beauvoir wrote to Burghley : 'Je me suys resolu de vous envoyer par un portier, qui est celluy que j'avoys envoyé à Bordeaux avec les navires de guerre, pour vous communiquer des lettres que j'ay reçu de M. le maréchal & vous entendre l'occasion par laquelle il forme le siège de Blaye : aussy de la bonne affection qu'il vouloit aux anglois, & du besoing qu'il est de deux autres navires en cette rivière, s'il plaist à Sa Maj. De Londres 26 fev. 1593.' (Endorsed 'French ambassador to my L, by his servant Guisdon who comes from Bordeaux.'): State Papers, France, vol. 30.

de cest estat procéder de la grande assistance & faveur qu'elle luy distribue journallièremēt.

Je m'en voys attaquer Blaye assisté par vos navires & vous adverteray du succès qu'il playra à Dieu nous en donner. Me recommandant bien humblement à vos bonnes graces, je prie Dieu etc.; votre plus obéyssant & très affectionné à vous fayre service.

De Bordeaux ce xv dec. 1592.

IV. *Châteaumartin to Burghley*

State Papers, France, vol. 29.

Je vous ay escrit de la Rochelle & adverty de tout ce qu'il m'a semblé digne. Depuis je suis arrivé en cette ville avec les navires de guerre qui partirent de Londres pour venir en cette rivière; la venue desquels a infiniment rejoyu monsieur le maréchal & tout le peuple pour l'espoir qu'ilz ont de couper chemin aux inconveniens & malheurs que de Lussan leur préparoit. Qui a fait led. Sr maréchal s'embarquer, & est party ce mattin avec quatre pieces de canon pour razer les faubourgs dud. Blaye avec l'intention de faire un fort là auprès pour le tenir bloqué: led. Lussan a fait retirer cinq navires, qu'il a près de lad. Ville, affin qu'ilz ne fussent ataqués par nos navires de guerre; mais nous esperons dans deux jours nous les aurons ou bruslé ou colé au fon. Il a demandé au roy d'Espagne six galleons & six navires de guerre pour tenir en cette rivière avec les siens; luy promettant de faire révolter cette ville contre le Roy & de luy faire sermant de fidelité. Surquoy led. roy d'Espagne a envoyé vers luy le lieutenant du gouverneur de Fonterabie, appellé le cap. Linares, qui est homme expert en fortificacions & au fait de la marine; & après avoir recogneu l'importance de la place & sondé la rivière, pour savoir sy les galleons de biscaye y pourroient entrer, a promis aud. Lussan que led. roy d'Espagne, son maistre, luy doneroit deux cens mils éscus & les galleons, & les navires qu'il demandoit; à condition qu'il receut garnison espagnol dans lad. ville. Ce faict n'a point passé encores plus avant & j'espère en Dieu que l'on empeschera . . .

En référence aux forces de mer il y a les galleons de Biscaye qui sont doze, ce qu'on apelle les doze apostres, & quelques fibozs, mais il n'y a rien en estat pour les craindre.

On parle du grand navire d'Inde qui a fort incommodé les marchans de port daval; ⁸ & l'Espagne a fait faire banquerotte à plusieurs. Pour mon particulier, monseigneur, il ne m'a encores esté possible de me povoir randre à Bayonne à cause des navires qui sont venus de Londres, que j'n'ose habandonner: & premièrement ceux qui les conduizent n'ayent leur payement bien assuré me semble qu'il est raysonnable que je m'y emploie, puisqu'ilz sont sujetz de Sa Maj. & qu'ils se sont embarqués en cette despence à ma persuazion. Laquelle considération me rendrait, s'il vous plaist, escuzable vers Sad. Maj.; incontinent que j'auray assureé led. payement je partiray pour m'en aller à Bayonne & espère ce sera dans dix jours.

De Bordeaux, 16 Dec. 1592.

⁸ Probably the Port en aval de Blaye, that is, Pauillac.

V. *Châteaumartin to Burghley*

State Papers, France, vol. 30.

Monsieur le maréchal a ataqué Blaye & a emporté les faubourgs avec beaucoup de facilité, quoy qu'ils fussent bien tenus ; qui l'a fait resouldre au siège sy bien que son armée est logée jusques auprès des murailles de la ville. D'aulture part nous tenons la rivière avec vos navires de guerre de sorte qu'il n'y peut entrer auleun secours par mer ny par terre.⁹ Led. s^r maréchal s'assure de l'emporter dans deux mois comme aussy qu'y soit beaucoup d'apparence. Nous sommes bien advertis qu'il n'y a pas trois cens hommes de combat dedans : aussy qu'il y a disette de farine & n'y a que deux molins pour en faire. Le gouverneur s'attend d'estre secouru d'Espagne, & y a au passage¹⁰ neuf navires pour y venir avec huit cens hommes ; mais ils ne l'osent entreprendre avec sy peu de forces & suis bien adverty qu'ils n'y viendront point : sy led. siège continue comme il fait le dessain du roy d'Espagne est rompu. Tous les habitans de cette ville fournissent cent mils escus pour pourvoir aux frais qui se feront aud. siège, aussy la noblesse de Saintonge a promis d'y apporter tout ce qu'ils pourront de leur part pour l'avancement de cette entreprinze ; tous les gens de bien dezirent la ruine dud. Lussan pour la démonstration qu'il a fait de volloir introduire l'espagnol en ce pais.

Les navires de guerre que j'ay amené d'Angleterre servent beaucoup en ce fait yey, & font occasion que les dessains du roy d'Espagne en cette rivière sont rompus ; tout cella se doit au sieur Horton.¹¹ Je luy ay fait asseuré son payement à celluy qui a chargé de le recevoir yey. M. le maréchal m'a prié de commander en l'armée navale jusques qu'il eust mis ordre aux affaires, qui est l'occasion qui m'a retenu yey jusques à pñt. Aussy que je n'ay point vullu habandonner les anglois avant que leurs affaires ne fussent bien asseurées & hors de toutte confuzion, m'asseurant que sa Maj. n'entendrait point mauvais mon sejour yey estant pour un sy bon faict.

De Bordeaux ce 23 janvier 1593.

VI. *Châteaumartin to Burghley*

State Papers, France, vol. 30.

Le maréchal continue le siège de Blaye & bien resolu de n'en partir qu'il ne l'aye emporté : il luy vient des forces tous les jours & pourra avoir ensemble dans le dixième de mars de six à set mil hommes. Il fait estat dans led. temps de remectre la batterie qui sera de dix huit canons, bien qu'il n'espère l'emporter que par la sappe & mine. Led. S^r de Lussan s'assure avoir au printemps six gallères d'Espagne & quelques fibozs qui luy doivent apporter du secours : mais j'ay advertissement qu'il ne viendra rien de ce costé là parceque l'espagnol ne se veult engager dans cette rivière sinon avec de grandes forces, & il ne peult envoyer pour le

⁹ A plan of the siege and the position of the English vessels is in the Cotton MS., Augustus I, vol. ii, no. 80. It is reproduced by F. Michel, *Histoire de la Navigation à Bordeaux*, i. 443. The names of the English captains are given as Wilkinson, Johnson, Meriall, Bower, Bradford, and Courtney.

¹⁰ Pasajes.

¹¹ Houghton.

pñt que bien peu. Led. S^r maréchal fait construire deux galliotes pour estre retenus en cette rivière & empescher les courses des pinasses de Lussan, qui font de mal beaucoup sans que vos navires de guerre ayent moyen de les empescher.

Les ligueurs de Marmande se sont mis en debvoir d'entrer dans Blaye au secours de Lussan, mais ils ont este empechés, & n'y a peu entrer que vint & quatre hommes. Ceux de Périgord¹² se mettent en debvoir aussy de secourir, mais j'espère que l'on les empeschera d'entrer aussy bien que les aultres. Je serois desia party pour aller à Bayonne, mais la mort de Ridley, celluy qui avoit charge de recouvrer l'argent que monsieur Horton a employé pour l'armement de ces navires de guerre, m'a retenu ; d'aultant qu'il reste encores unze mil escus à payer & que les anglois m'ont prié de tarder quelques jours pour y tenir la main affin d'avancer le payement. La partie est bien assurée ; toutesfoys led. payement sera retardé à cause de la mort dud. Ridley, parceque les tresoriers ycy sont fort difficiles : & s'il plaisoit à vostre seigneurie enseigner un mot à monsieur le maréchal en faveur dud. Horton, vostre seigneurie hoblieroit beaucoup & feroit beaucoup pour luy.

Du camp devant Blaye ce 27 fevrier 1593.

VII. *Châteaumartin to Burghley*

State Papers, France, vol. 30.

Monsieur le Maréchal n'a pu envoyer assembler ses forces à cause des assemblées que les ligueurs ont fait en Périgord & Limozin pour venir secourir Blaye, dont le S^r de Monpezat estoit le chef ; qui est occasion que led. S^r Maréchal n'a point encores mis la batterie ny fait aultre effort contre Blaye. . . . Ils espèrent, sans doubte, monsieur le Maréchal eust esté contraint de lever le siège avec beaucoup de confusion, qui n'eust esté sans quelque grand changement en ceste province : même aussi que l'entrée de l'armée navale espagnole eust causé un grand estonnement, & bien favorisé les dessains desd. ligueurs, sy en un mesme temps les autres se sont rendu à Blaye. Lad. armée espagnole entrast en cette rivière le vint deuxième sur promesses que, depuis peu, Lussan & les ligueurs, tous d'un commun accord, avoint fait à Espagne de s'emparer de Castillon & une plasse assez forte La Baye au pais de Medoc ; & par le moyen de ses deux plasses rendre l'espagnol mestre dud. pais de Medoc & réduire Bordeaux à l'extrémité. Mais Dieu y a arrangé aultrement : car Castillon fust repris & leurs troupes déffaites auparavant l'arrivée de lad. armée navale ; de sorte que les espagnols n'ont trouvé de tout ce que les ligueurs leur avoint promis.

Il n'y avoit pour lors en cette rivière aucun navire de guerre que les six vaisseaux anglois qui se rendoient tous à Plasac, & assurèrent l'armée de mons^r le maréchal qui estoit devant Blaye. L'armée ennemie se rendit à Blaye à une mille de nos navires de guerre, & le vint quatriesme se mirent à la voile pour venir charger les nostres qui virent de bord seullement se laissant aller à la dérive attendant l'ennemy : & y en heut trois des nostres qui furent abordez furieüzement, dont l'un estoit l'admiral,

¹² The ligueurs under Montpezat.

l'aultre le vis-admiral, qui combattirent fort bravement ; mais entre aultres le vis admiral qui fit en ce combat de chozes admirables & loables. Mais enfin estant la partie fort inégale nostre admiral & vis admiral furent brulez ; de l'admiral se sauvarent vint & six hommes seulement mariniers ; & du vis admiral ne se sauvarent personne. Nous y avons perdu nonante hommes : l'ennemy y a perdu aussy deux navires qui se brularent avec les nostres, son vis admiral & un fiboz de 150 tonneaux ; & bien de leurs hommes morts & quarante de blessés ; ainsy que nous ont répété les prisoniers espagnols que nous avons pris depuis.

L'armée espagnole estoit convoyée de quatorze navires & deux pataches qui estoient seze entout ; dont ils avoient deux fiboz de cent cinquante tonneaux pièce, & deux aultres de cent vint, & les aultres de cinquante cinq & soixante tonneaux pièce, bien garnis & proveus de canon & de toute aultre munition de guerre. Ils avoient trois cens mariniers & cinquans soldatz. Le général estoit Pedro de Sibian.¹³ Lad. armée demeurat trois jours après avoir combattu vos navires : cepandant monsieur le Maréschal fit descendre tous les navires marchans qui se trouverent lors devant la ville de Bordeaux, & deux gallioches avec les quatre navires anglois, le nombre de vint quatre vaisseaux, surquoy il fit embarquer environ cinq cens soldatz. D'aultre part ils entrarent dans la rivière quatorze navires de monsieur de St Luc,¹⁴ commandés par La Limaille, qui print le dessous de la rivière à l'armée ennemie ; & comme nous feumes certains de son arrivée nous nous mismes en devoir de charger l'ennemi, qui print incontinent fuite & marchoit une masse devant nous, sans qu'il fust en nostre puissance de les pouvoir atteindre. Nous pensions que led. Limaille, qui estoit audevant, l'empescheroit le passage ; mais il n'estoit jamais semblant de faire à la voile, demeurant toujours à l'ancre, qui leur rendit le passage libre, sans que nous puissions jamais parvenir à eux : de sorte que ils eschappèrent comme cella sans avoir aultre mal que le dommage qu'ilz receurent par les navires anglois, & sortirent de la rivière chassés par nostre armée jusques à l'emboucheure. Enfin sy les aultres heussent fait comme les anglois il n'en fusse jamais retourné pas un en Espagne.

Bordeaux, 7 may 1593.

VIII. *Châteaumartin to Burghley*

Cecil MSS. clxix. 68.

Encore que par mes dépeches du septième & neuvième du présent je vous ai amplement adverti de toutes occurances, j'ai bien voulu vous faire la présente.

Il arriva hier un homme venant d'Espagne que Monsieur le maréschal y avoit envoyé par mon adresse, il y a un mois & demi.

Il nous a raporté qu'il avait aprins que à Lisbonne y avait une armée de seize navires entre lesquels y a six gallions qui ont este faits en Biscaye,

¹³ Pedro de Zubian.

¹⁴ St Luc is described as one of the 'maréchaux de camp ordinaires estant dud. conseil de guerre à cause de leurs charges' in a 'catalogue of all manner of posts of any authority civil and martial which obey the French King Delyvered to me [Burghley] by Sir H. Unton, September 1592': State Papers, France, vol. 29.

& quatre gallions de Portugal, dont Fernan Jeles est le général. Il dit aussi que à Seville s'étaient armés douze navires qui devaient joindre lad. armée de Lisbonne qui feront en tout vingt huit navires qui doivent conduire les flottes qui viennent des Indes, afin de les assurer du danger de vos navires de guerre.

Ils ont faute de mariniers & prendront des soldats aux troupes qui sont en dragon pour mettre sus lad. armée qui ne peut être prête de deux mois. Le beau-père de Lussan a passé en Espagne & y arriva il y a huit jours & s'achemina incontinent vers le roy, pour lui représenter les causes qui ont empêché led. Lussan qu'il ne lui a tenu ce qu'il lui avait promis ; aussi pour traiter afin d'amener lad. armée qui se fait au passage pour le secours de Blaye. Je ne doute point qu'elle n'y vienne : sinon qu'il fut besoin mander des forces en Bretagne parceque c'est la province que led. roy d'Espagne affectionne le plus, & préférera toujours les affaires d'icelle province à tous les offres que les ligueurs lui peuvent faire d'ici. Mais sy les affaires n'y appellent lad. armée sans faute elle viendra ici & ne sera sans apporter une grande confusion en cette province, que je y vois bien préparée. Mais il est besoin de faire quelque démonstration d'y vouloir employer led. Sr Francois Drac ; parceque d'un bruit seulement qui a couru en Espagne que sa Maj. l'employait, & qu'elle lui avait déjà délivré ses commissions, l'Espagne a été quelques jours en grande alarme. Je vous supplie très humblement de ne point trouver mauvais que je vous en dis, & de croire que je n'en parle que pour l'avancement qu'il me semble que cela pourrait apporter aux affaires du présent . . .

Il y aurait beau moyen de brûler tous les navires qui sont au passage & avec fort peu de frais, sans danger aucun d'autant qu'il n'y a aucune forteresse. Serait seulement besoin de venir avec deux navires & mener trois ou quatre petites barques enchainées pleines de bois & artifices qui prissent promptement feu, & mener lesd. barques de nuit à l'embouchure du port au commencement du montant, qui entreraient d'elles-mêmes avec la marée qui les porterait sus les navires qui sont aud. passage fort près les uns des autres ; de sorte que mal aisément en pourrait il échapper aucun.

Le marquis de Villars s'est retiré de devant Mellan,¹⁵ & a été battu par M. de la Force.¹⁶ Le siège de Blaye continue : je crains que ce soit une chose longue parceque l'on n'y va que bien lentement. Je partirai dans deux jours pour Bayonne parceque j'aurai plus de commodité étant là de servir sa Maj., aussi que les marchans anglois là m'ont écrit qu'ils ont fort besoin de ma présence.

Depuis avoir écrit la présente j'ai eu advertisement comme l'armée du passage est parti pour Bretagne.

De Bordeaux ce 10 may 1593.

IX. *Châteaumartin to Burghley*

Cecil MSS. clxix. 71.

Je vous ay écrit comme il se devoit construire au passage une armée navale . . . Depuis j'ai été adverty que une armée s'apresta en toute dilli-

¹⁵ Meilhan, Lot-et-Garonne.

¹⁶ Captain of the king's bodyguard, one of the council of war : Unton's list.

gence, et que l'on y travailla les dimanches mesme et sera preste vers la fin de jung. Le gouverneur de Fonterabie faict aprestre cantité de petitz batteaus pour mettre à terre. Les forces qui estoient en Aragon descendent aux environs du passage et à St. Sebastien pour s'embarquer sus . . . Leur dessain est de venir en ceste rivière, et s'y fortifier aux endroitz qu'ils avizeront les plus propres pour leur commodité et pour incomoder cette ville. Le Marquis de Villars et le sieur de Montpezat son père assemblent des forces de nouveau, et quelques forces leur sont arrivées de Languedoc, et font estat de se randre avec leur gros sur les bords de cette rivière en mesme temps que les espagnols y arriveront. Les forces espagnoles pourront estre d'environ deux mil cinq cens hommes.

Je vois les affaires de ceste province en povre estat, si dieu n'y mest la main, car les hommes n'y sont pas tous affectionnés au service du roy. Monsieur le maréchal fait estat d'avoir dix mil hommes ensemble dans un mois pour s'opposer à cest effort ; et ceux de la Rochelle ont promis d'y ayder de tout ce qu'ilz pourront.

De Bordeaux 23 may 1593.

X. *Châteaumartin to Burghley*

State Papers, Foreign, vol. 30.

Les Espagnols, ayant esté advertis de la venue des navires de guerre des états à La Rochelle, croissent leur armée de six navires qui s'aprestent à St Audel & doivent joindre ceux qui sont au passage. Ils continuent leur dessein pour cette rivière. Toutesfoys s'ils tardent deux mois à y venir, monsieur le maréchal espère que avant ce temps il aura emporté Blaye, parceque ceux dedans sont réduits à l'extrémité. Je crains néanmoins qu'il soit contraint de lever le siège parcequ'il n'a point d'argent & ceux de cette ville ne lui en veulent point donner ; & seraient très marris, au moins la plupart, qu'il fut maistre de la place.

De Bordeaux 12 juin 1593.

A Note on Inner and Outer Cabinets ; their Development and Relations in the Eighteenth Century

DURING the last three years a most valuable and stimulating discussion has been conducted by the late Sir William Anson, by Professor E. R. Turner, and Professor Wolfgang Michael about the nature and functions of cabinet and privy council during the eighteenth century. It is because part of that discussion touched on an article of mine¹ that I venture to summarize the conclusions which have now been reached and incidentally to adduce some fresh evidence on the subject.

The state of the discussion may be thus described. It is admitted by the three writers above mentioned that the term

¹ See *ante*, xxvii. 682-99, October 1912.

cabinet was used generally in the eighteenth century (say from 1701 to 1783) to describe a body smaller than the privy council proper, and varying in numbers from time to time from about a dozen to about a score. It appears also to be admitted that during this period of the eighteenth century there existed another body known as the 'committee of council'. This body prepared the business for the cabinet, but was not identical with it. It was also distinguished by the fact that the sovereign never attended it, though he could and did attend the outer cabinet until George I and his son gradually got tired of listening to debates in a language which they did not understand. The committee of council was often hard to distinguish from the outer cabinet. Mr. Turner has explained its working very clearly,² and there seems no reason to doubt that he is right in his assumption that the 'committee of council' gradually became a body occupied with routine, and therefore sank into relative unimportance.³ So far our course is pretty clear, but new doubt arises. My suggestion was that 'from Anne onwards the outer cabinet was an intermediary body between the large formal privy council and the small effective secret and central committee', and that there 'was a central committee, which enabled the inner ring of ministers to exercise a general control of all policy'.⁴ The position of Mr. Turner and Sir William Anson is that this 'central committee', perhaps better called the inner ring or efficient cabinet, only developed about the middle of the eighteenth century. According to Mr. Turner, the year 1745 seems about the date at which the inner cabinet or conciliabulum of a few members definitely superseded the outer cabinet of about a score.⁵ Sir William Anson puts the approximate date some ten years later, between 1755 and 1761.⁶ In other words, both authorities reject my suggestion that the inner or efficient cabinet dates from the days of Anne, on the ground that they have seen no evidence of its real existence till the days of George II.

Now the contention that such a body existed under Anne must of course rest on definite evidence. But if some evidence under Anne can be adduced, it becomes then a matter of opinion how far we can fairly infer a continued existence of this inner body from Anne until George II. There seems to me no doubt that Sir John Norris's diary in the years 1739-40 does prove its

¹ *American Historical Review*, xviii. (1913) 764-8.

² Professor Michael, 'Die Entstehung der Kabinettsregierung in England,' in the *Zeitschrift für Politik*, vi. (1913) 549-93, has carefully explained the legal aspect of cabinet and committee of council during the years 1714-18.

³ *Ante*, xxvii. 694, 695.

⁴ *Amer. Hist. Rev.* xix. 42.

⁵ *Ante*, xxix. 73-4, January 1914; but the writer had not seen the Norris papers.

existence at that date.⁷ For instance, on 26 October 1739 Sir John Norris records his attendance as naval expert at a 'private meeting' of six ministers, consisting of Walpole, Newcastle, Pelham, Harrington, Grafton, and Sir Charles Wager :

Sir Charles and I proposed an attempt on Carthage. . . . This was agreed. . . . Sir C. W. and I acquainted them how necessary it was to keep it secret. . . . Sir Robert [Walpole] being to acquaint His Majesty of these discourses for his approbation.⁸

That is a typical extract, and shows at any rate decisively that important business was first discussed in a small inner cabinet. How far it had superseded the outer cabinet is, of course, a matter of opinion. Mr. Turner admits the force of the evidence in the Norris papers, but his theory is that the efficient cabinet only gradually superseded the outer one, and he places the date of its completion about 1745. My previous contention was that its existence could be proved in the first years of Anne, and that this fact might at least suggest that its existence from that date onwards may have been continuous and unbroken. Our lack of real information on all cabinet subjects in the eighteenth century is so considerable that even small pieces of evidence are often of high value.

The evidence under Anne is slight, but, so far as it goes, fairly decisive. It was alluded to in my article,⁹ but not quoted *in extenso*, because some of the evidence had already been given by Mr. Corbett.¹⁰ But, as Mr. Corbett's interpretation was slightly different from mine, it is perhaps well to indicate the effect of that evidence. The Finch-Hatton papers contain this evidence, written in the almost illegible scrawl of Nottingham, who was then secretary of state.¹¹ They contain the notes or minutes made by him of a certain body which he calls the 'Secret Council'.¹² In all, five meetings of this body are recorded between November 1702 and the end of January 1703, and the decisions or discussions that took place were in each case of high importance. There was a decision to destroy Martinique and other Spanish and French possessions and to equip a large expedition for that purpose. Lord Peterborough's instructions and a letter to Methuen, our ambassador to Portugal, were both read and

⁷ *Amer. Hist. Rev.* xix. 37 and nn. Cf. Brit. Mus., Add. MS. 21832, fo. 40, 48-9, 63, &c. The only point at which Mr. Turner might disagree here is as to whether the inner cabinet was in fact the efficient one in 1740. I gather he would admit that it existed in 1740, but thinks its powers not fully established till, say, 1745.

⁸ Add. MS. 21832, fo. 63.

⁹ *Ante*, xxvii. 696 n. 57.

¹⁰ *Monthly Review*, 1904, pp. 505-6.

¹¹ Add. MS. 2959, fo. 126-36.

¹² This word is twice endorsed on the notes 16, fo. 128, 'Minutes of Secret Council': fo. 130 *dorso*, 'Secret Council'.

approved. Finally, and most important of all, the dispositions of the British fleet and its co-operation with the Dutch were settled in principle, though details remained to be worked out.

The members who usually attended were the lord treasurer, Lord Rochester, Nottingham, and Marlborough. The privy seal attends once, and a number of other persons attend for special purposes, as Peterborough for Spanish affairs, Rooke and another admiral for naval, Blathwayt for colonial, &c. There seems to be no doubt that this body was, in strict fact, an inner or efficient cabinet. It took important and even vital decisions, and is called by Nottingham the 'Secret Council'. In all probability it was formed to secure the secrecy and dispatch needed for great naval and military enterprises. How long the body continued to exist after this date we have no evidence. But the famous design of Marlborough to march to Blenheim, and the almost equally famous decision of Anne to issue 'retaining orders' to Captain-General Ormond, must have required great secrecy. Certainly in neither case was the plan revealed to the outer cabinet. It was conceived and executed by the sovereign and a very small and select number of ministers. These may or may not have formed a 'secret council' with ministers, but the actions taken were in each case so dangerous that one can well imagine a minister who attended at these deliberations taking care to destroy any evidence as to his share in them. We are in fact dependent on scraps of paper, private notes, or diaries for our evidence, and it is only by good fortune that we find it. In this case the evidence does show that in the years 1702-3 'a secret council', or efficient inner cabinet, existed. Such a body may be reasonably inferred for the later years of Queen Anne, but no distinct evidence exists to prove it.¹³

There is no further decisive evidence, though a good deal of plausible inference, for the existence of an inner body until we come to the years 1739-40. There is plenty of evidence for the existence of the 'committee of council' during the intervening years 1714-39. It is of course possible that the committee of council was in effect an inner cabinet or became confused with it. But, on the whole, this seems the less probable theory, though it would solve the difficulty completely by bridging the chasm between 1703 and 1739.¹⁴

¹³ Dr. Michael, *loc. cit.* p. 591, gives instances of private meetings of ministers at Harley's house under Anne, and from the years 1714-20. We know also of private meetings under Walpole. It might be argued that these were all meetings of an inner cabinet.

¹⁴ See Michael, pp. 565 n., 576 n. The confusion is increased by the fact that the 'committee of council' is sometimes confused with 'private meetings', and sometimes with the outer cabinet; in the same way the privy council is sometimes spoken of as 'the Cabinet'. When contemporaries themselves bestowed misnomers, it is not

The position is that what seems to have been an inner cabinet existed for the first two years of Anne's reign. This is an important fact which cannot be explained away, and which destroys the theory that private meetings of important ministers gradually evolved an inner cabinet in the years 1740 to 1745. The explanation tentatively suggested in my previous article¹⁵ was that the efficient cabinet continued to exist. There is, however, a simpler explanation possible, and one more in accordance with our ideas of to-day. It is that the pressure of war, with its need for efficiency and secrecy, made both the outer cabinet and the committee of council awkward bodies for conducting military and naval affairs. During the present war it has been found wise in practice to reduce the war cabinet to five or six members, with occasional attendances from experts. In the first year of the war of the Spanish succession this need was felt and met by the 'secret council' of four or five, which has been called 'Queen Anne's Defence Committee'. In 1739-40 the Spanish war produced an analogous body which took similar important decisions. In 1755-7 we see a like body, similarly restricted in numbers, assuming responsibilities of the same sort under stress of the Seven Years' war. Finally, in 1761 every one admits that the *de facto* inner efficient cabinet superseded the outer cabinet.¹⁶ It is not without significance that the last we hear of the inner cabinet is in 1783, the year in which Fox was negotiating peace with America. By that time the numbers of the outer cabinet were so reduced that there was hardly any distinction between the two bodies. Moreover, the war necessity had passed, and with it the extreme desire for secrecy and dispatch. This explanation is the simplest, and accounts best for the presence of an inner cabinet under Anne. If it was afterwards discontinued until 1739 or 1740, the reason would be the simple and obvious one that between 1713 and 1739 the country engaged in no important war.

To sum up: From 1700 to 1760 the executive organs of government were the outer cabinet, committee of council, and efficient or inner cabinet.¹⁷ The outer cabinet was certainly always a body of importance until 1740. The committee of council, which was never identical with the outer cabinet, gradually became a body occupied with routine. The really important body was that small

surprising that difficulties of identification are encountered by historians. My own previous article erred, I think, in identifying any small meeting of the cabinet too readily with the inner cabinet. Such meetings would certainly often be those of the 'committee of council' (*ante*, xxvii, 696 *passim*). The Norris papers are particularly instructive on this head; some of the meetings at which Norris was present are described as 'private', others as those of the 'committee of council'.

¹⁵ *Ante*, xxvii. 696.

¹⁶ See Sir W. Anson's remarks, *ante*, xxix. 74.

¹⁷ I omit, for the sake of clearness, the privy council. Its powers were not entirely negligible till after 1714.

inner knot of ministers who eventually monopolized power at the expense of the outer cabinet. A body analogous to this, and exercising similar powers, can be proved to have existed under Anne in the years 1702-3. This body may or may not have continued to exist until 1739-40, but by that date a body very similar to it is again in existence and exercising similar powers. It was by that date either already the efficient cabinet or very soon about to become so. If we reject the theory of a continuous existence from the days of Anne till 1739, another theory accounts for the appearance and disappearance of this body. The needs of a war policy may have produced an efficient or inner cabinet in 1702-3, and revived it in 1739-40. From that date it continued to exist until the peace of 1783 made it unnecessary.

HAROLD TEMPERLEY.

Reviews of Books

The Arts in Early England. By G. BALDWIN BROWN, M.A. III, IV: Saxon Art and Industry in the Pagan Period. (London: John Murray, 1915.)

WHEN reviewing¹ the first two volumes of this work, the one dealing with 'The Life of Saxon England in its relation to the Arts', and the other with 'Ecclesiastical Architecture in England from the Conversion of the Saxons to the Norman Conquest', we ventured to remark that 'unless Professor Brown's two volumes may be looked upon as forerunners of others on the same subject, their title is not quite a happy one, inasmuch as neither treats otherwise than indirectly of the arts of Early England'. After an interval of twelve years a third and a fourth volume have now made their appearance, dealing more fully with the subject-matter of the title. These are paged continuously and practically form one volume, divided into sixteen chapters. The first chapter is necessarily an introduction, while the second is devoted to the artistic aspect of the coinage. The rest of the text deals with (1) the Anglo-Saxon cemeteries of the pagan period, (2) the archaeological evidence connected with migrations.

The cemeteries illustrate the arts of early England through the various articles buried with the deceased, which are classed together under the general head of 'tomb-furniture'. This is dealt with in six separate chapters under the subdivisions of (i) arms, (ii) the morphology of the fibulae, (iii) the ornaments on fibulae, &c., (iv) buckles and other adjuncts of the dress, (v) adjuncts of the costume, and (vi) personal ornaments; to which may be added (vii) a chapter on pottery, inlaid jewellery, and romanizing objects in bronze. The evidence connected with migrations is presented in five chapters, treating first of the subject in general, then of the settlements and cemeteries of the Thames basin, the South-Saxon and Jutish settlements in the south-east, and lastly of the Anglian kingdoms. The whole of this vast array of matter is packed into some eight hundred pages, which consequently demand close reading. For the same reason they are not easy to review.

In comparison with the architectural remains of the Anglo-Saxons, which Mr. Brown considers to be 'not without a touch of amateurishness', the corresponding products of the decorative and industrial arts possess, he thinks, an intrinsic interest through their artistic excellence:

Anglo-Saxon coins are not only cleverly designed but executed in a very business-like fashion. The technique of the so-called 'Kentish' jewellery is beyond all praise, and the

bronze fibulae and buckles are cast and chased with both decision and delicacy. In the stone-carving there is, it is true, an immense amount of rough and clumsy or slight and careless work that belongs to degenerate epochs, but on the other hand the work when at its best, in the earliest time or at epochs of temporary renaissance, is precise, sensitive, and assured. The execution of the work in the manuscripts and in 'tours de force' like the Durham embroideries of X [= tenth century] exhibits professional mastery of the most accomplished kind. The Saxon weapon-smith was a notable adept in the manipulation of malleable iron to shield-bosses or spear-heads. Hence it follows that any unfavourable impression of Anglo-Saxon craftsmanship derived from architectural examples must be put aside when the attention is turned to the smaller or movable objects with which the remainder of this work is concerned, for on these we have every right to dwell with a consciousness of national pride.

The author has some pertinent remarks about those with whom 'it is almost an article of faith that anything conspicuously good in art that is found in Britain must in some way or another have come from abroad', or who by deprecating 'the national ability in art have credited the foreigners at one time or another with all the good artistic work of Anglo-Saxon England'. But Mr. Brown rightly claims with reference to such objects as the early stone-carvings of Northumbria, the Ormskirk embossed silver bowl, the inlaid brooches so common in Kent, the Alfred jewel, and the embroideries found in St. Cuthbert's coffin, that 'there is very substantial evidence, some of it as cogent as archaeology ever offers, that most of these masterpieces, together with the rest of the artistic work of which they are only the finest examples, are the production of home-staying Anglo-Saxon craftsmen'. He is nevertheless careful to point out that 'when all is said, however, it must be admitted that while the design of the Anglo-Saxon craftsman maintains a very fair artistic standard, it can claim no superlative degree of merit'.

Mr. Brown hopes that the review in his second chapter of the early coinage will 'set in its true light the question of the artistic merit of Anglo-Saxon craftsmanship, and will prepare the way for the treatment of the main theme of the present volumes, the tomb furniture found in the early pagan cemeteries'. Interesting, however, as the coins may be, it is a little difficult to share the author's enthusiasm about them, or to see any close connexion between them and the tomb furniture in general. It is impossible here to follow Mr. Brown into the various questions arising on this latter subject, and it must suffice to say that he has evidently spared neither time nor trouble to collect together everything that throws light upon it. The evidence is made all the clearer by the abundance of illustrations, extending to more than eight hundred objects or groups of objects arranged on 158 plates. Most of these are half-tone blocks from photographs, while a few are printed in colour. As to the treatment of these plates opinions will probably differ. Many of them are too crowded, all kinds of things are often mixed together, and there is no attempt at uniformity of scale or any systematic titles. For these, and the actual sizes of objects, the reader has to turn to the descriptions of the plates at the beginning of each volume.

The archaeological evidence connected with the migrations of the Anglo-Saxons is of much importance historically from the way in which the written record can be confirmed or modified by the discoveries made

in the burying-places. The courses of the various migrations can also easily be followed by a useful series of maps.

While we have much for which to thank Mr. Brown in giving us such a fascinating treatise on Anglo-Saxon art and craftsmanship, we must complain of the wholly inadequate index. On what principle, if any, this was made it is difficult to understand. A random reference to a single page (768) shows that out of at least fourteen names thereon, including Lincoln and its museum, the Roman station of Crocolana at Brough, the Wolds, the Trent, Flixborough, Cotgrave, Holme Pierrepont, and that of Mr. Reginald Smith, not one is to be found in the index, which likewise does not contain the name of Mr. Thurlow Leeds. Since these two writers and their many excellent papers are constantly being referred to throughout both Mr. Brown's new volumes, it is a little hard to understand why their names (and those of other workers) are omitted, while that of Mr. Roach Smith appears. Even such notable cemeteries as those at Sarre and Faversham are passed over, notwithstanding the frequent mention of them in the text. It is true that a note at the beginning of the index refers the reader to a list of the cemeteries which follows the list of illustrations in the fourth volume. But even then there is only one reference to the Faversham cemetery and but four to that at Sarre. In a work like that of Mr. Brown we have a right to expect an index commensurate with its undoubted importance.

W. H. ST. JOHN HOPE.

The Caliph's Last Heritage; A Short History of the Turkish Empire. By Sir MARK SYKES, Bart., M.P. (London: Macmillan, 1915.)

THE first part of this volume, extending to 288 pages, is occupied with the history of the entry and advance of the Ottoman Turks; the second has more to do with the Caliphate, and introduces the story of Sir Mark Sykes's own visits to the Near East as late as 1913. In both these parts the writer gives us his independent observations. They are often those of a keen though not unprejudiced traveller. He is too apt to assume the absence of other books, and especially of those of recent years, bearing on the subjects of which he writes. In one or two places he seems to imply that no history of the Ottoman Turks has been written. I have not found any allusion either in the text or index to Von Hammer-Purgstall's store of facts, both from Turkish and Christian sources. Apparently he is unacquainted with Jorga's *Geschichte des Osmanischen Reiches*, which, although not complete, gives a large amount of valuable information from Turkish sources. Nor do I see any mention of a valuable article in the *Contemporary Review* of June 1915, by the Right Hon. Ameer Ali, giving an historical and juridical sketch of the Caliphate. Ameer Ali, who is a member of the judicial committee of the privy council, is also a Mohammedan of high distinction amongst his co-religionists, who has examined the subject from the point of view of a believer in Islam and of a jurist, and no writer dealing with the subject can afford to neglect what he has written.

The volume has an excellent index, and a number of carefully

prepared maps. The introductory chapter of the geographical factors is very well done. I have not noticed, however, any allusion to Mr. Ellsworth Huntington's work, *The Transformation of Palestine*, or to his contributions to the American Geographical Society on the physical changes in Asia Minor and Syria due to alternate periods of drought and moisture. It is likely that Sir Mark's judgement would have been influenced in several matters had he been aware of the facts adduced in them. For example, Sir Mark gives an account, admirably done, of the adventures of the Arab Queen Zenobia and Odenathus. At its conclusion, however (p. 43), the writer adds, 'in a few years Palmyra degenerated from a world capital to a petty trading town, then to a mere fortified post, and so at last to a few mud hovels in the court of the temple as it remains to this day'. The explanation of the decadence of Palmyra is to be found in the drying up of the neighbouring desert, which caused Palmyra to cease to be on the main line of traffic between the East and the West. Surely there is confusion in putting Hittite remains amongst the eastern civilizations of Babylonia. There is nothing to connect such remains with the 'two centres of human prosperity, Egypt and Babylon'. Even in the maps I do not find the dominions of the Hittites recognized, yet the influence of a race which has left great remains at Boghazkeui in the north, and Karchemish in the south, and which ruled not only over the intervening country but over a large portion of the plain of Konia, might well have been noted.

The story of Mahomet and of the first two Caliphs, Abu-Bekr and Omar, is well told. It is full of human interest and suggests that its writing has been a labour of love. Indeed, the whole of the early chapters shows us the picturesque side of early Moslem history. Sir Mark would have found many valuable suggestions in Dr. Koelle's learned book on Islam. The author was a clergyman of the English church, a great Arabic scholar, and one who possessed a genius for certain aspects of historical study; he maintained that neither Sir William Muir nor any other author had done justice to the influence which Arab traditions, and the fact that Mahomet belonged to a family which had long held the guardianship of the Kaaba, had upon his character and teachings.

The author allows his prepossessions to run away with his judgement. He can see nothing but evil in connexion with American protestant missions in Turkey. I claim to regard the question of missions in Asia Minor from the average point of view of an educated Englishman, and, whether the missions be catholic or protestant, I have always found the mission stations to be centres of light and civilization. The Latin church took the lead in opening mission schools among the Armenians; The American protestants followed, and the two sets of missionaries have done much to introduce new life amongst the ancient eastern churches. Their example in founding schools and hospitals stimulated Greeks, Nestorians, and other easterns to efforts in education. Perhaps these efforts on the whole have been most successful with the Armenians. Ten years ago, when the American missionaries had what they called a summer school in the island of Proti, the Armenian patriarch, who was then living on that island, and attended during the whole day one

of their meetings, declared at the end of it that if the priests of his own church could have such reunions, their value would be incalculable. The late learned historian, Dr. Collins, bishop of Gibraltar, took great interest in the Armenian church, and, while he would have stoutly resisted any attempt on the part of its members or others to establish a separate community, had their full sympathy and preached in their churches. Excellent work in the direction of education has been done by the Roman catholic priests and nuns throughout the country, and therefore, in the judgement of most educated travellers in Asia Minor who have little concern with theological questions, the work of missionaries is regarded as purely for good.

So far as the Turks are concerned, the picture presented by Sir Mark is unpleasant. He believes them to be hopeless and especially objects to the Young Turks. Their aim was to put the new wine of western civilization into the old and rotten bottles of Turkish administration. To undo the prejudices of five centuries of bad government, and to treat Christians on an equality with Moslems, was noted by nearly all observers as the most difficult of the tasks which the Young Turks undertook. They began by proclaiming religious equality and brotherhood. Before a year had passed they claimed the right to abolish the privileges which the Christian Turks had possessed since 1453. Grave and quite honest misunderstandings arose on each side, and the hopelessness of the task became more apparent as the months rolled by. Meantime the Young Turks became divided among themselves. The majority were in favour of making everything Turkish. The Albanians, and even the Arabs, should only receive instruction in that language. That the Young Turks would have been able to surmount these difficulties and to have saved the Turkish empire is doubtful. It was while they were thus divided that they encountered a sea of troubles. The Italian war, followed by that with the Balkan League and Greece, demanded all their attention. These struggles found the Turks unprepared for war. With the aid of the Germans they set to work to reorganize their army. Then when the great European war commenced, they threw in their lot with the Kaiser. The result does not concern us here. But the fact that the Turkish army now is much more formidable than it was two years ago is due to the efforts of the Young Turk government.

EDWIN PEARS.

Alfred the Great, the Truth-teller, Maker of England. By BEATRICE ADELAIDE LEES, sometime Tutor of Somerville College, Oxford. (New York: Putnam, 1915.)

So many have written on the life of Alfred, well, ill, and indifferently, that there is perhaps a danger that this book may not receive all the attention to which it is entitled. This would, as I hope to show, be unfortunate, for it is a scholarly work, presenting its readers in a convenient form with the present state of learning on its subject. Its author has had the advantage of good guidance in Mr. Stevenson's admirable edition of *Asser's Life of Alfred* and Mr. Plummer's *Ford Lectures*, and acknowledges her debt to them and to Professor Liebermann. Her book is the more welcome

for this indebtedness : it fills a different place from what they have given us ; while based on such original authorities as we have, it brings together the results of their research and ingenuity and puts them in a coherent form, using them to construct as complete a record as may be of Alfred's life, of what he aimed at, and of what he accomplished. It begins with a chapter on the political state of western Europe in the first half of the ninth century ; and for those not well acquainted with the history of the period this is a necessary introduction to what follows, for the Danish invasions of England and of the Frankish kingdoms were closely related, and their connexion is again and again well brought out in this book. Although earlier raids had been made on the English coast, chiefly, as Miss Lees thinks, from Ireland, the degradation of the imperial authority on the plain of Colmar, followed closely by the sacking of towns on the Scheldt and the Rhine, may be taken as marking the effective beginning of the viking invasions of England. Again, it was after Lothair had yielded Duurstede to Rorik, *fel Christianitatis*, who established himself and his followers there, that great companies of the ' heathen men ' fell on different English districts and one of them was overthrown by Ethelwulf at the wood called *Aclea*, which Miss Lees thinks is rightly held to be Ockley, in spite of the philological objection noted by Mr. Stevenson. And so in 860, 877, 884, and again in 892, when the victory of Arnulf on the Dyle and a bitter famine brought a large fleet over to invade Kent and take part in a fresh attempt at conquest, descents upon England were determined by events in west or in east Francia.

A chapter on ' England before Alfred ' discusses the question whether in the ninth century the *fyrð* normally consisted of mounted infantry, men who rode to battle and fought on foot, or of simple foot-soldiers. The composition of the force probably varied ; it was generally a large body, for all freemen owed some kind of *fyrð* service, and this obligation was connected with land. This body was usually stiffened by the war-band of the king or other lord, his *gesiths* or thegns, whose presence in the *here* bears witness to the idea of an obligation to personal service. Alfred's reign was, as Miss Lees remarks, a period of transition. How could it have been otherwise, since a new and tremendous force, that of foreign invasion, was bearing on a loosely organized society ? This transition would especially affect military arrangements. That Alfred compelled every man who possessed at the least five hides of land to serve in the army with horse and man fully equipped is a conjecture founded on a far later statement of the qualifications for thegnhood, but we may believe with Miss Lees that he carried further ' the gradual territorialization [an awful word] of military service apparently in the ratio of one well-equipped horseman to every five hides of land '. He certainly organized a system of fortification and defence, for under him the men whose duty it was to hold the *burhs* appear as a distinct military division. On these *burhs* and the place which he designed them to hold in the protection of Wessex and the English part of Mercia we have some valuable remarks. Strong places of different kinds of course existed before his time, from earthworks and such-like to fortified towns. In this respect, as in so much else, he developed and utilized rather than innovated : he ordered existing forti-

fications to be rendered efficient and brought them into a definite scheme of defence, putting them under the charge of king's thegns. His work was carried further by his son and by his daughter, the Lady of the Mercians, and it had a lasting influence on the rise of English boroughs. With it we may, it is suggested, connect the 'Burghal Hidage', a document probably of the early part of the tenth century, which may be taken to represent a system of fortification 'with the land grouped round *burhs* for the purposes of home defence'. In like manner, ancient institutions, while retaining in his teaching their old characters, assumed new aspects as he discoursed to his people concerning them. The king remained their natural lord and chief, but he would also have them regard him as God's vicar set over them to rule righteously. Law, while still determined by custom, whether unwritten or declared in written dooms, derived in his teaching its highest authority as founded on the principles of eternal righteousness revealed by God. Hence he began his code with the Ten Commandments, and then, after pointing out how Christian teaching had moderated the severity of the old law and, as he believed, had introduced the system of fines and compositions as atonements for offences, he proceeded with his own laws, and ended with the dooms of Ine, thus linking his own laws on the one hand with the divine law, and on the other with the old laws of the West-Saxon kingdom.

Some points in Alfred's life which have been much discussed are treated with good judgement and at not too great length. For the year of his birth 848, the date given in the Parker MS. of the Saxon *Chronicle*, is preferred to Asser's date 849. In dealing with Asser's story of his learning the Saxon poem, Miss Lees appears (I do not find her explicit) to adopt the general interpretation that Alfred learnt to recite the poem from having heard the master read it, and she observes that the point of the story is its illustration of his 'quickness and power of memory'. She would put the date of the incident between Alfred's two visits to Rome. Why he should have been sent thither with the embassy of 853 when only five years old, she wisely declines to guess, but not, to my mind, so wisely invites us to imagine him as kneeling deeply moved and 'in awe before the shrines where so many English kings and pilgrims had knelt before him'. Personally, I would rather think of him as simply feeling the wonder and delight natural in a child of five at the sight of grander things than he had ever seen before, than as moved by remembrance of Ine and Cædwalla. Alfred was too vigorously-minded a man to have been an infant prodigy. On William of Malmesbury's story of the murder of John Scotus the conclusion is adopted at which Mr. Poole and Mr. Stevenson arrived, working independently, that Bishop Stubbs was mistaken in accusing William of Malmesbury of confounding the tradition of his death at Malmesbury with Asser's account of the attack on the life of John the Old Saxon at Athelney, and that this confusion was first made, so far as we know, by the pseudo-Ingulf. In dealing with Alfred's alleged vow and mission to India, Miss Lees observes that the annal in the *Chronicle* 'rather implies that he promised to send alms to India than that he actually sent them'. What he promised, that we may be sure he did his best to perform, and the objection that we are not told elsewhere that he

and his men lay before London when the Danes occupied it in the winter of 871 does not seem of much importance. There are of course other difficulties connected with the annal, and they are noted here, while on the other hand we are reminded that India does not necessarily mean Hindustan, and that the shrine of St. Thomas was at Edessa. Miss Lees thinks it 'not unlikely that Alfred did vow to send alms to St. Thomas and St. Bartholomew', or that his envoys went on from Rome to Palestine and the East.

Alfred's wars are excellently recorded. Among the points well brought out here is the importance of the utter defeat of Ubba's invasion at Cynwit in the north-western part of Devon: it saved Alfred from the danger of being caught between two hostile forces, and enabled him to concentrate his whole strength against Guthrum's army; and it may possibly be connected with the renewal of his activity at Easter-tide when he raised his 'work' at Athelney, and so with his victory at Edington in Wiltshire, for that Miss Lees, who discusses the matter at length, decides, no doubt rightly, is the *Ethandun* of the *Chronicle*. Good reason is shown for rejecting Bratton Castle as the stronghold to which Guthrum's army retreated after its defeat: the English pursued the Danes on horseback, and therefore probably for some distance; the Danes had issued forth from their encampment at Chippenham before the battle, and it was thither that Guthrum returned with his companions after his baptism in Somerset; it was then almost certainly at Chippenham that the Danes surrendered to Alfred after a fortnight's siege. The complicated though noble annals in which the *Chronicle* relates the events of the three years' war that followed the invasion of 892 are brought into a consistent narrative by combining what they tell us with some details gathered from Ethelwerd; and it is suggested that while Alfred marched to the relief of Exeter, his son Edward took command of the eastern army, and after compelling the Danes at Thorney to promise to leave the kingdom, marched into Essex and fell on their entrenchments at Benfield. The grounds on which we may attribute the composition of the national *Chronicle* to 892 to Alfred's direction, and the sources from which the earlier part, before the death of Ethelwulf, was probably derived, are well set forth; indeed, the whole subject of 'Alfredian literature' is treated in a satisfactory and attractive manner. As much, too, may be said of the account of English art in the ninth century, of the illumination of books, and the skill and taste of the workers in metals, matters well illustrated by some of the many and well-chosen engravings in this volume. What Miss Lees says is so thoroughly sound and carefully considered, that it is to be regretted that in many places she has injured its effect by writing in highly-coloured language and indulging in vain imaginings. For example, Alfred when at Athelney may or may not have looked at sunset over the surrounding country, but in a book of this kind it is a mistake to imagine him doing so. And although on every doubtful point she cites and sometimes criticizes the varying opinions of those whose right it is to be heard, her readers now and again will wish that she had told them plainly her own opinion, for they will agree with me that it would certainly be worthy of respectful consideration.

W. HUNT.

A History of Medieval Political Theory in the West. III: From the Tenth to the Thirteenth Century. By A. J. CARLYLE, M.A., D.Litt. (Edinburgh: Blackwood, 1915.)

PART of the matter of the third volume of Dr. Carlyle's useful work has been already dealt with. The legists and canonists down to the end of the twelfth century were treated in vol. ii. This volume deals with the political writers, the pamphleteers in the investiture controversy; and also with the feudal lawyers, including Bracton. That is to say, so far as feudal theory is concerned, Dr. Carlyle includes the thirteenth century; so far as the general topic of his work is concerned, he shuts down before St. Thomas. That was very likely a wise proceeding. But if so, some of the omissions are curious. Why say nothing about Magna Carta? As evidence of the political theory of feudalism it is unsurpassable. Indeed, we now know that it is better evidence of that than it is of some of the constitutional doctrines which it is supposed to represent. At any rate, it exhibits the notion of the supremacy of law in feudal and medieval thought. This is a capital point with Dr. Carlyle. Also the famous 61st clause illustrates the contractual notion of feudal loyalty, of which Dr. Carlyle makes so much. Moreover, if Bracton was to be included, what good reason is there for excluding Edward I, or the Song of Lewes, and other ideals of the thirteenth century? This criticism is not captious. The great defect of all Dr. Carlyle's work is an absence of synthesis and imagination. Writers are considered piecemeal, as if somebody had looked up special topics in an index. The reader of this volume would, for instance, have nothing like so clear an idea of John of Salisbury as he can get from the three excellent chapters in Mr. Poole's *Illustrations of the History of Medieval Thought*. Valuable as are the detailed statements about feudal politics, it is doubtful whether any very clear notion would be obtained of the feudal legacy. However, we may be grateful for the very full use made of Beaumanoir and the *Assizes of Jerusalem*. It is a thousand pities that the students of our honour schools in history at Oxford and Cambridge are not required to know anything about them. The opening chapter on personal loyalty is of interest. It is a pity it is not a little longer. The *Chanson de Roland* is not mentioned. Dr. Carlyle is right in his refusal to draw any hard and fast diagrammatic scheme of feudalism.

The difficulty of understanding feudalism has been immensely increased by the habit of conceiving of it as a homogeneous system complete and perfect at some definite time and place. It becomes much more intelligible when we begin to see that under the one term there are contained ideas which were very different from each other, and that as it had slowly grown up, so it was perpetually developing and changing (p. 22).

On this point he would have done well to cite some wise words of Maitland in the *History of English Law*. It is curious that that work is nowhere mentioned. It contains some very valuable criticism both of feudal theory and the relations between rights of property and rights of sovereignty. These are most pertinent to this subject, yet Dr. Carlyle gives them no attention. He says nothing directly about the so-called *droit de défiance*.

The second part of the book is taken up with an analysis of the political ideas, as displayed in the period concerned, apart from the relations of the two powers. These are to be discussed later. Here the author has much to say that is valuable; although the jejune character of the writing detracts from its interest. This has been the case all along, and the student knows by this time what to expect. The most important chapter is that on the universal empire. Ever since the days of Freeman and Bryce, the Holy Roman Empire has been somewhat overrated as an ideal. Dr. Carlyle seeks to show that whatever was the case in the time of Dante, the notion counted for little in the earlier period. I doubt if he is right. The conception may not have meant much practically, but it meant a good deal in the furniture of men's minds. Dr. Carlyle quotes Gerbert (Sylvester II once), but he does not quote the great letter to Otto III, with the words 'Nostrum, nostrum est Romanum imperium'. Still, a counterblast to the excessive weight laid on the imperialist theory is well timed. Maitland used to say it was 'made in Germany'. Lord Bryce owed his success to the fact that most people had not then read Gregorovius.

On the value and divine authority of government Dr. Carlyle is right. The famous letters of Hildebrand to Hermann of Metz do not really express all his own theory. Nor are they incompatible with a belief that government is divine, men being what they are. Luther, like many of the fathers, held that civil government was a consequence of the fall, yet he asserted very strongly its divine sanction. The summary of medieval political principles in the last few pages is admirable. It ought to correct widespread misconceptions—such for instance as the statement of an American work on the political doctrine of Luther, that the middle ages were dominated by the notion of the divine right of kings. Precisely the contrary was the case, if we mean the theory usually denoted by that name. This and more Dr. Carlyle has shown. But it were to be wished that his book had a little more life. J. NEVILLE FIGGIS.

Early Yorkshire Charters. By WILLIAM FARRER. Vol. II. (Edinburgh: Ballantyne & Hanson, 1915.)

IN this second volume Dr. Farrer prints the twelfth-century charters of eleven Yorkshire fees, and elucidates them as before with notes that make the work indispensable to all who wish to trace the early history of feudal holdings in Yorkshire or the genealogy of the land-owning families. The largest section in this volume deals with the Fossard fee: this is of less interest than other portions of the book, but it contains a few early Doncaster deeds and the Watton endowment charters of the Vescy family. Among deeds of unusual form given here may be mentioned the creation of a prebend in the cathedral church of York (no. 1,012), the grant of a hermitage (no. 1,041), and a licence for celebration of divine service in a chantry chapel issued by the parson of the parish (no. 1,069). Another considerable section is concerned with the Gant fee, and is mainly derived from the Bridlington chartulary; an English abstract of the contents of this chartulary has been published, but the deeds have not been previously printed *in extenso*. Several royal charters of Henry I,

Stephen, and Henry II are here printed for the first time. Other deeds have an intrinsic interest, such as Walter de Gant's grant to the canons of Bridlington of a phylactery containing relics from Jerusalem (no. 1,136), a grant of lands to a hired champion (no. 1,167), and a creation of knights' fees by the Gant family (no. 1,174). The charters relating to the Brus barony, though less numerous, contain more matter worthy of notice. Amongst them are two interesting grants of fishing rights upon the Tees to the monks of Byland (nos. 703, 773), and the grant of a salt-cote made to the same house (no. 725); several of the grants, as no. 712, prescribe boon day-works of ploughing and reaping; no. 718 is a good example of a deed executed in the county court, and no. 738 is an early instance of a fine before justices in eyre. A deed of 1109-14 (no. 729) mentions a pilgrimage paid to the shrine of St. James of Compostella. Attention may also be drawn to the four moneyers who appear as witnesses to no. 749. The earliest deed in this section is a grant of the church of Burton-Agnes made by Geoffrey Bainard, who was sheriff of Yorkshire under William Rufus (no. 676), and whose daughter, Agnes, appears to have carried that manor by marriage to the Brus family.

In very few cases have the originals of the deeds printed in this volume been preserved. An exception must be made in regard to the Durham deeds: these relate to Northallerton, Craik, Welton, and Howden, and a considerable proportion of them are still preserved in Durham Treasury. For Northallerton, Craik, and Cleveland there are several pre-Conquest grants or notices of grants, all of which have already appeared in print, as have many of the twelfth-century deeds. Dr. Farrer might have noticed that nos. 930, 934, and 968 have been printed in *Historiæ Dunelmensis Tres Scriptores*, and he appears not to be aware of the existence of the early thirteenth-century *Cartularium Vetus*, since he quotes by preference the chartularies compiled about A.D. 1400. Two of the deeds printed by him for the first time (nos. 978, 979) throw fresh light upon the personal history of the chronicler, Roger of Hoveden; and an inquisition into the lands of the Conyers family, taken by order of Henry II (no. 945), is also here first published *in extenso*. Nos. 963 and 984 are early instances of the grant of a chantry and of an entail with expressed remainders respectively. English words occur rarely in the deeds contained in this volume: in addition to those mentioned in the preface we may notice the occurrence of the term *skep* in no. 938. Stipulations on the part of the donor for ecclesiastical promotion, or for future provision for himself or for a dependant by a religious house, as consideration for an endowment, occur with some frequency (e.g. nos. 1,036, 1,055). Thus Walter de Gant made provision for his cook as a canon of Bridlington (no. 1,171). His father's touching direction for his burial in that same monastery (no. 1,138) has been already printed in the *Monasticon*. The section dealing with the earl of Chester's fee contains the early deeds of endowment of Whitby Abbey, all of which have been printed in the Whitby Chartulary, but are here reproduced with the indications of date and the annotations which give such value to the editor's work. Other fees included in the volume are those of Bulmer and of Chauncy and of the archbishop of Canterbury.

H. H. E. CRASTER.

Documents relatifs au Comté de Champagne et de Brie, 1172-1361. Publiés par AUGUSTE LONGNON. Tome III: Les Comptes Administratifs. (Paris: Imprimerie Nationale, 1914.)

THE sudden and lamented death of M. Longnon in 1911 has deprived this final volume of his great collection of its promised introduction. The text was complete, and the index only needed the correction of its last few sheets. M. Élie Berger, who had the honour to be M. Longnon's official adviser, has supplied a brief commentary on the various documents of which this volume consists, on the lines of M. Longnon's own prefatory notes to vols. i and ii. He tells us that there was no material for more, since M. Longnon's prodigious memory tempted him to neglect the Baconian method of *Experientia literata*, and when he died his collections died with him. We cannot but share M. Berger's regret. So comprehensive a survey of the affairs of this great lordship as this work affords, proceeding from the title-deeds of vol. i to the surveys of vol. ii and the accounts of this last volume, combined with the editor's wide geographical and historical knowledge, must have rendered his final estimate of the evidence a priceless contribution to the social and economic history of France, and a firm foundation for subsequent inquiries into similar fields of research. But even as it stands, this comprehensive collection of materials remains a model and an inspiration. It calls for a response in a similar treatment of the great blocks of records in this country relating to the duchy of Lancaster, and the counties of Chester and Cornwall and Durham, not to speak of the principality of Wales. But the mere thought of a similar work devoted to any of these blocks at once reminds us of the abundance of material in this country compared with that at the disposal of M. Longnon. Three quarto volumes sufficed him to include, with very little abridgement, all the deeds, feodaries, surveys, and accounts of the county of Champagne down to 1361, which could be found in the libraries or archives of France. Mr. Farrer would tell us a very different story. The same point strikes us as we read M. Berger's note on the first document in this volume, an account of expenses of A. D. 1217-19: 'On sait combien sont rares les comptes qui nous ont été conservés pour le commencement du XIII^{me} siècle.' *O fortunati nimium!*

The actual contents of this volume are various. The most valuable are the general receiver's accounts for the county of Champagne and Brie for 1285, 1287, 1288, 1320, 1341. Those for 1287 and 1341 had been already employed by A. Lefèvre in 1858-9 for his articles on the finances of Champagne in the *Bibliothèque de l'École des Chartes*, but it is worth while to have them in detail. These are regular estate accounts, showing the revenue from each bailiwick, the corresponding charges, and the way in which the net income was spent. M. Lefèvre used them to show the rapid decay of the great fairs of Champagne, and to illustrate the varied sources of income and expenditure of a great feudal lord. Supplementary to these is another set of accounts, unhappily not for the same years, showing what may best be described as the 'personal ledger' of the receivers of the fairs. Here the headings are names of persons, and the accounts are kept in a form which corresponds with an ordinary

business or banker's ledger, except that the debit and credit sides of the accounts are not arranged in parallel columns. Besides these there are miscellaneous accounts, such as that of wood-sales from 1285-1302, a valuation of ecclesiastical property of about 1300, subsidies for the knighting of Louis Hutin and for the expedition to Flanders in 1314, fines for the acquisition of land in mortmain or by non-nobles in 1328-30, a subsidy for the 'arrière-ban' in 1338, and an account of the fisheries and forests of the dowry of Queen Joan of Évreux in 1347-8. An appendix gives the sums raised for the ransom of the fort of Méry-sur-Seine from the hands, apparently, of a Free Company in 1371-2.

The study of the general accounts in detail is somewhat difficult, since the figures do not balance as they should. This may be due in some cases to the originals having been lost, so that M. Longnon had to depend on more modern transcripts; but even the accounts printed from originals do not seem always to be correctly added, a reminder of the blessings conferred on mankind by Arabic numerals. For archaeological and social details, however, these accounts can hardly be rated too highly. We can see what share the great fairs provided in the revenue, and what was the social standing of the towns and of the country people. We learn a great deal about building expenses, the management of forests, the re-stocking of fish-ponds, the expenses of litigation. We see on what terms Edmund of Lancaster ceded his interest in the lands of his deceased wife, and we find his son Henry still in possession of Larzicourt at the outbreak of the Hundred Years' war. We find the current rate of interest in 1219 about 16 per cent., we read of worn-out horses being used as bait for wolves, of a find of Roman *denarii* or 'guasseaux de Sarrazins' in 1341, of the count's lions, and of the puzzling and oppressive changes in the coinage.

The work is, upon the whole, worthy of its editor. The index, however, though full and accurate, is inconvenient owing to the places not being indexed under their modern names. It is thus necessary to look under several heads to collect all the references to the same place. Hence no doubt the accident by which Blaye appears as 'Plaines' without any identification, although the mention of Geoffrey Rudel leaves no doubt as to the place meant.

C. JOHNSON.

I Monumenti medioevali delle Tredici Sporadi. Da GIUSEPPE GEROLA.
(Bergamo: Istituto Italiano d'Arti Grafiche, 1914-15.)

THE author of this important work is already known to the readers of this Review for his admirable study of the Venetian monuments of Crete,¹ soon, we understand, to be completed by the publication of the final volume. Meanwhile, he has been employed by the Italian government in the systematic study of the historical buildings and armorial bearings still extant in the thirteen islands of the Lower Aegean, which have been occupied by Italy since the summer of 1912. Of this study these two richly illustrated extracts from the Annual of the Italian Archaeological School at Athens, as well as a number of smaller pamphlets, are the

¹ *Ante*, xxi. 370; xxiii. 772.

result, while a catalogue of all the monuments has been issued by the Italian Ministry of Education.

The thirteen occupied islands may be divided historically into three groups—(1) the eight islands of Rhodes, Kôs, Kálymnos, Léros, Nísyros, Têlos, Sýme, and Chálke, which were governed either directly or indirectly (as in the case of Nísyros with its hereditary lords, the Assanti) by the knights of Rhodes; (2) the three Venetian islands of Astypálaia, Kárpáthos, and Kásos, of which the first was the property of the Quirini, the two latter (save for a brief usurpation by the knights) of the Cornaro; and (3) the holy island of Pátmos with its dependency, Leipsó. This, which is the correct medieval division, does not correspond with the common, but inaccurate, designation of the islands occupied by the Italians as 'the Dodecanesos', for 'the Dodecanesos', properly so called, excluded Rhodes, Kôs, and Leipsó, but included Ikaría and Megíste (or Kastellórizon).

The author devotes the whole of his first part to Rhodes—a subject already treated by Baron de Belabre²—of whose monuments he gives 121 illustrations. These buildings practically all belong to the period of the knights; indeed, Dr. Gerola considers that the Byzantine remains of the island would not be worth the trouble of investigation, for he ascribes the very curious 'neo-Byzantine' houses of LínDOS to the seventeenth century. Of the other islands, which occupy his second part, and of which he gives 79 illustrations, Kôs naturally is the most interesting. For that island was the most important after Rhodes; it was the see of a Latin bishop, and the second most valuable post in the possession of the knights. At one time the 'Tongue' of Provence looked upon Kôs as its special perquisite; for many years it was assigned for life to Hesso von Schlegelholz; again and again it was ravaged by the Turks: yet its fortifications, rich in armorial bearings, are still among the most picturesque vestiges of Latin rule in the Levant. Kálymnos and Léros, which usually had the same governor as Kôs, likewise furnish their contribution to the heraldry of the Latin Orient, as Buchon³ long ago discovered. Another heraldic island is Nísyros, which was conferred in 1316 on the brothers Assanti of Ischia as a reward for their services in the conquest of Rhodes. The government of this Neapolitan family appears to have been unsatisfactory. In the next generation Ligorio Assanti, who shared the island with his cousin Giacomo, turned corsair and was deprived of his moiety, which was sold to his co-parcener. But the latter, unable to pay all the purchase-money, was forced to sell or mortgage part of the island to another knight, while his sons, who were minors, left the administration in the hands of their guardian, Novello Monocca, likewise from Ischia, whose rule was so tyrannical that the vassals rebelled and slew him, and the Order had to send the governor of Kôs as commissioner to quiet them. From 1386, on the extinction of the Assanti family, Nísyros was assigned to various persons till the Turkish peril caused such depopulation and ruin that no one would accept it. At last, a Catalan, Galceran de Luge, undertook the thankless post in 1471, after which date we have no names of its governors, although two bishops of

² *Ante*, xxiv. 400.

³ *Atlas des Nouvelles Recherches historiques*, xlii. 4-12.

Nísyros are subsequently mentioned. Têlos and Chálke likewise, for a short time, formed a fief of one of the Assanti, but Têlos and Sýme are described by Bosio in 1444 as *Isole magistrali*, or 'belonging to the Grand-Master'.

The history of the three Venetian islands has been written by Hopf in his *Veneto-Byzantinische Analekten*.⁴ Dr. Gerola has, however, given us an admirable photograph of the famous inscription of Giovanni Quirini with the accompanying coats of arms. The monastic islands of Pátmos and Leipsó, conferred by Aléxios I. Komnenós on Christódoulos, seem to have escaped those ravages from corsairs which afflicted most of the Aegean.

There are bibliographies of each island, and the Southern Sporades have never before been so elaborately illustrated. WILLIAM MILLER.

The Incendium Amoris of Richard Rolle of Hampole. Edited by MARGARET DEANESLY. (Manchester: University Press, 1915.)

RICHARD ROLLE'S Latin treatises, unlike his English works, have hitherto received small attention. Miss Deanesly is no doubt right in finding the explanation in the narrower interest of their subject, and the absence of the linguistic and literary qualities which have in recent times made his English writings peculiarly attractive. But Rolle was a man of personality, whose outlook on life is of value for its illustration of the thought and social life of his age. It is, therefore, well to have this edition of the most important and representative of his Latin works. Miss Deanesly begins her introduction with a detailed account of the manuscripts. Of twenty-six copies in English libraries the great majority belong to the fifteenth century, and none are strictly contemporary with the author. But not long after Rolle's death his *Incendium* was abridged by some one who was more interested in the religious teaching than in the personality of the writer. Consequently the abridgement omitted the autobiographical passages, which at the present time give the complete work much of its attraction. In the fifteenth century this abridgement seems to have been scarcely less popular than the original. A copy of the shorter text in the Emmanuel College MS. 36 is of peculiar importance. The volume belonged to John Newton, who was master of Peterhouse from 1380 to 1397, and for many years official of the archbishop of York. Newton corrected his copy 'from the book which Saint Richard of Hampole wrote with his own hand', by inserting in the margin or on interpolated sheets the passages omitted in the shortened text. This manuscript and its history have therefore a peculiar importance. At some time after John Newton's death in 1414 it passed into the possession of Sion Abbey. The first abbess of Sion was Matilda Newton, and Miss Deanesly was led naturally by the similarity of the name to inquire whether there was any connexion between the abbess and the master of Peterhouse. Her conclusion was negative, and the manuscript was found to have reached Sion Abbey by quite another channel. But the investigation led to an inquiry into the early history of Sion Abbey, and though it has only an indirect bearing on Rolle and his writings, Miss Deanesly has done well to preserve the results of her labour in her introduction. There is much

⁴ pp. 97-133.

that was obscure in the early history of Sion Abbey and the English Brigittines, and students of ecclesiastical history will be grateful for the careful and detailed account here given. It may, however, be noted that the disproof of the ascription of the *Vita et Gesta Henrici Quinti* to Thomas Elmham was given originally in this Review (xxv. 67), and not by Dr. Wylie, to whom Miss Deanesly attributes it (on p. 120).

In the main part of her introduction, Miss Deanesly deals fully with the history of the *Incendium*. She finds little trace of any first-hand acquaintance on Rolle's part with the writings of earlier mystics. The thought and language approach most nearly to that of Hugh of St. Victor. Any influence that was due to St. Bernard, St. Bonaventure, or the pseudo-Dionysius was probably second hand. A passage which appears in some manuscripts of Bonaventure's *De Triplici Vita* is shown to have been borrowed from the *Incendium*. It is ingeniously suggested that Rolle's work may have come to the knowledge of continental Benedictines through Thomas Spofforth, who as abbot of St. Mary York attended the council of Constance. Spofforth's chaplain, Christopher Braystones, was instrumental in obtaining an 'indulgence' for readers of the *Incendium*.¹ John Newton's ownership of 'Emmanuel 35' justifies a fairly detailed account of his career. Whilst the manuscript was at Sion Abbey, the monograms J. G. and J. S. were written on various leaves. J. G. was probably James Greenhalgh, a Carthusian of Sheen in the early part of the sixteenth century. J. S. was certainly Joan Sewell, a sister of Sion. Their monograms are combined in one place, and in the combined form appear also in another manuscript of the *Incendium*, now Additional MS. 24,661 at the British Museum. The monogram J. S., in a similar style but with an ornamental design, appears in a copy of Walter Hilton's *Scala Perfectionis*, which was given by Greenhalgh to Joan Sewell. This last is reproduced as a frontispiece to this volume by permission of the present lady abbess of Sion. The care with which the history of this manuscript and its owners has been worked out is, with the rest of the introduction, creditable to the editor. It is unfortunate that one cannot speak so highly of the text of the work itself, which is marred by frequent and irritating errors. To give but a few instances: 'uniuersatis uestre noticie' and 'fides indubia adhibenda ualent' (both on p. 138); 'ex rationabili cause' (p. 188); 'coram conditorem' (p. 232); 'musica in conuiuii' (p. 248). Some of these may be due to misprints, though even so they point to a lack of care, if not of knowledge, in the correction of the proofs. But for 'cardinalibus siue pro cardinalibus se gerentes' (p. 136) it is hardly possible that the printers were to blame. It is much to be regretted that a piece of work on which much pains has been bestowed should be thus disfigured in a manner that throws doubt on the editor's full competence for her task.

C. L. KINGSFORD.

Calendar of Fine Rolls. Vol. V. (London: H.M. Stationery Office, 1915.)

THIS is the second volume that deals with the reign of Edward III, 1337 to 1347, and again appears under Mr. A. E. Bland's scholarly

¹ See *ante*, xxix. (1914), 98-101.

editorship. It contains much which helps indirectly or otherwise to an understanding of the situation produced when England began the Hundred Years' war with France in 1337. Especially notable were the precautions taken with regard to foreigners resident in England and likely to send money and information over the Channel. The most obvious quarter in which to expect such dangerous sympathy was in the alien priories, which accordingly bulk largely in the rolls for these years. All such in England were taken into the king's hands by a general order dated 1 July 1337, and their priors were ordered to appear at Westminster on the 23rd of the same month. The normal course then taken was for the prior to undertake the custody of his own priory, paying a yearly rent at the exchequer or in the chamber, and 'finding beyond this for the monks or canons and the servants of the house their sustenance and stipends, and doing the other charges incumbent on the house, saving to the king knights' fees and the advowsons of churches'. Eighty-six writs of commitment to priors in this way were enrolled in July and August 1337, and in the latter month the order was extended to priories in the Channel Islands (pp. 28-33, 36-7, and *passim*). St. Helens, Appuldurcombe, and Carisbrooke, all in the Isle of Wight, and Burstall in Holderness, were on chamber manors, and accounted therefore in the chamber. All the rest were to pay to the exchequer. On the whole this arrangement with the priors seemed the most satisfactory to all concerned, and in some cases where a lay custodian was appointed for a time, he was afterwards removed in favour of the prior. One of the most remarkable cases was that of St. Michael's Mount, where, between March and October 1338, the priory changed hands six times. Three times it was in lay hands, but on two occasions the prior for a short time regained the custody of everything 'except only the fortalice' (pp. 70, 78, 84, 88, 91, 96). In 1339 both fortress and priory were entrusted to Edward, the king's son (p. 141). How little at the outset the magnitude of the war was understood is shown by the fact that within three months of the time when Edward was proclaimed king of France (January 1340) he was already restoring the alien priories in England to their former owners on the same terms as before the war (pp. 175-8, &c.). He did so, as he explained later (p. 254), 'believing that the war would not last longer: . . . in which restitution, as it seems to the King and Council, the King was deceived, because the war still endures and it is feared will endure for a longer time'. This was in December 1341. The latest entries concerning the war occupy pages 497 to 523 in the present volume, and ten membranes of the original roll. They consist of an interesting series of orders to 'surveyors, arrayers, and electors of men at arms, hobelars and archers' in the different counties, or to sheriffs, bailiffs, and ministers, who were mustering forces for the great invasion of France which was to take place in 1346 under the leadership of the king in person. Such officials were now bidden to accept in many cases from towns and individuals a much smaller contribution than was fixed by assessment, in consideration of receiving a sum of money large enough to cover the expenses of those actually sent. Thus the citizens of Lincoln, for instance, who were assessed at twenty armed men, sent twelve, and paid £40 for their expenses.

The war is only one of many aspects of history illustrated in this calendar. The reader will discover others by reference to the very full index, compiled by Mr. Bland with the assistance of Mr. Ratcliff. Under 'Merchants', for example, a heading not used in the indexes of earlier volumes in this series, there will be found references to much interesting matter concerning the Peruzzi and the Bardi. One rather important entry (p. 17) concerning the latter firm, however, is not included under the general heading, presumably because it appears elsewhere under Forcetti, Forsetti, Dinus, merchant of the Bardi of Florence, and Bini, Biny, Byne, merchant of the Bardi of Florence. However, similar references elsewhere (pp. 49, 50) are repeated under the general heading, to the comfort of the reader, and it might have been well to do the same in this case. A puzzling heading is 'Prisons', under which appear Marshalsea, 136 (*bis*), and Newcastle, without any page reference at all. The Fleet prison is not mentioned there or elsewhere in the index. Under Flete we are directed to see Fleet, but discover there only places of the name in Devon and Lincolnshire, and the navy. Yet on pp. 121 and 122 there are entries concerning the hereditary keepership of the Fleet prison, which was combined with the keepership of Westminster palace. The notorious John Shenche had held both offices in the latter days of Edward I, when the king's treasury in the neighbouring abbey of Westminster was plundered. His wife Joan had married again, and her second husband, Edmund Cheyne, held both posts for life. However, as is shown on p. 121 of this Calendar, in February 1339 John, son of John Shenche and Joan, received the family inheritance.¹ The Fleet was held in chief 'by the serjeanty of keeping all prisoners to be committed there'. 'The bailiwick of keeping the King's palace at Westminster' was also held in chief. The occupier received 6*d.* a day from the sheriffs of London, 8*d.* a year from every merchant who had a stall inside the hall of the palace, and 4*d.* from those who carried their wares. Moreover, when the king was in residence, the keeper took 'bread, ale, wine, dishes, kitchen, and candle' as a king's serjeant. After the royal departure he was allowed to collect for himself anything left in the way of fuel, litter, hay, and so forth. The John de Flete who was 'receiver of the money of the King's chamber and keeper of the King's jewels and harness in the Tower of London' (p. 390) may or may not have been the same man as John, son of John Shenche who became keeper of the Fleet and palace in 1339. If he was, he only enjoyed the latter offices for five years, for in 1344 he was dead. By 1350, at any rate, the keepership had passed from John to Thomas Shenche, one of whose accounts is preserved in the Public Record Office (Exchequer Accounts, K. R. 508/13). H. JOHNSTONE.

The History of the Worshipful Company of the Drapers of London. Vol. i, to 1509; vol. ii, 1509-1603. By the Rev. A. H. JOHNSON. (Oxford: Clarendon Press, 1914, 1915.)

THESE two handsome volumes contain a history which, as their author rightly says, 'is long overdue'. Except for the notice in Herbert's *Livery*

¹ Cf. *Cal. of Inquis. post Mortem*, vii. 330.

Companies, to the inaccuracy and inadequacy of which Mr. Johnson has again and again to call attention, there has been hitherto no history of the London drapers. The company is to be congratulated on its decision to have such a history written and on its selection of an historian. Mr. Johnson acknowledges generously the assistance which he has received from many quarters, both in the more mechanical and in the more scholarly parts of his very varied task; but the co-ordination and construction are his own, and they are most adequate. In each volume about two-fifths of the space is taken by the text, about three-fifths by documents and appendixes. Some idea of the scope of the book may be given by reference to the appendixes to vol. i, which run to about 200 pages. They contain, among other things, an account of the chief documents in the possession of the company; detailed evidence as to the existence and functions of drapers in the thirteenth and fourteenth centuries; the letters patent of 1364 and other early charters; the grant of arms of 1439; documents relating to the right of search; the fifteenth-century book of ordinances; and transcripts of wardens' and renters' accounts of various dates from 1414 to 1509.

In his general sketch of the growth of municipal and guild organization in medieval London Mr. Johnson makes no considerable contribution to knowledge, but when he passes to the early history of the cloth trade his special studies begin to tell. He adopts Mr. Sharpe's view that the rather mysterious craft of the burellers, who are often held to have been the predecessors of the drapers, were so called from 'borel', the coarse cloth—'cloth of Candlewick Street'—which they made or had made, and not, as Professor Unwin once suggested, from their having 'burled' the cloth, i. e. picked out knots and 'burrs' from its surface. He inclines to the view that the burellers died out in the fourteenth century, because their special fabric was no more in use, not because the drapers usurped their functions. For he is able to make it quite clear that, all through the middle ages, the London drapers at any rate were primarily dealers, large or small, not like the North French and Flemish 'drapier' or the Florentine 'laniolo', industrial entrepreneurs. In the thirteenth century they probably dealt in imported cloth, and some were already merchants in the modern sense. In the fourteenth century they dealt a good deal in wool, as the import of foreign cloth fell off. The steady growth of the home manufacture transformed them into dealers in English cloth. Sometimes they conducted a miscellaneous business, superintending the making of liveries and hose from their cloth, exporting general merchandise, and lending money. As the export trade in English cloth grew, the merchant draper often became a merchant adventurer. Outside London no doubt the draper sometimes became a clothier, a drapier, a laniolo: Mr. Johnson mentions at any rate one fourteenth-century London draper who was also described as a clothier (p. 85); but he maintains, and I think establishes, his point that the London drapers never occupied themselves much with manufacture. For one thing, in the days of their greatest activity, London had ceased to be an important clothmaking centre. Moreover, the majority of them were retailers in a small way of business, not far removed in economic position from the small retail draper of modern times.

The history of London companies is always providing notable exceptions to easy general statements about 'the medieval gild': so it is not at all surprising to be reminded (i. 99) that though the drapers secured for a moment, in 1363, 'the coveted monopoly of the retail sale of cloth in London . . . their monopoly did not last, nor was it ever complete'. 'There was much evasion', the fullers did some cloth-selling, and in the fifteenth century there was a regular series of 'overlap' disputes between the drapers and the company which eventually (1502) became the Merchant Taylors. The fact is that the notion of strict monopoly, which may have been comparatively easy of application in the true handicraft guilds of a second-rate town, was from the first out of place among the commercial companies of fourteenth-century London. Just how old is 'the custom of London', whereby any man who was free of one gild could carry on the trade of any other gild, is not known; in 1571 certain crafts who were inconvenienced by it looked back to an ancient time when it did not exist; but that time must have been very ancient, for Mr. Johnson (i. 73) quotes a case of 1335, in which successful appeal is made to the custom. Probably it ran back at any rate into the thirteenth century, though it only acquired its full significance in the sixteenth.

In discussing admission to the company by redemption, that is by payment of fees without previous apprenticeship, Mr. Johnson (i. 108) suggests that it was introduced early in the fifteenth century, because the first recorded case is in 1424-5. But as the first wardens' accounts are only ten years earlier this seems hardly decisive for the date of origin. The ordinances of 1418 refer to entries by redemption, with no suggestion that the practice is new or unusual; Mr. Johnson does not give any proof that entry by way of apprenticeship was universal in the fourteenth century, and, in the light of recently published town records, we are not justified in assuming, without definite evidence, that the strait gate of apprenticeship was the only gate. It does seem, however, that admission by redemption was becoming commoner in the second quarter of the fifteenth century. At the beginning of the sixteenth century it becomes very common indeed; for by that time many who were not drapers at all were seeking admission. Throughout the history recorded in Mr. Johnson's second volume (1509-1603), the company is filling with these men who are not drapers, while those who are drapers by patrimony—a class which seems only to have become important in the sixteenth century—are engaged in all kinds of business, from silk-weaving to 'occupying oils, butter, cheese, and vinegar'. Naturally in the circumstances the control of cloth-dealing in London was beginning to slip from their hands. As we have seen, it had never been complete, but they had been zealous for their rights.

Though the company is losing its old character in Tudor times, its biography becomes of increasing interest to the general historian. In the fourteenth and fifteenth centuries Mr. Johnson is unable to extract from the records very much that concerns the social, and very little that concerns the political inquirer. With the sixteenth century, lists of drapers living outside the city, for the years 1517, 1518, 1529, and 1571, reveal some movement towards the suburbs besides the existence of members in various

clothing and other towns up and down the country. New details illuminate the operation of the Act of 1547 (ii. 95-101), the methods of the Elizabethan recoinage (ii. 134) and the mortality from the sweating sickness in 1551 (ii. 90). There is abundant illustration of how mercilessly Elizabeth drew on the resources of the companies 'in every national emergency', and indications of how early the London merchant inclined to puritanism. With all the great economic movements of the century—the growth of capitalism, the rise in prices, the unpopularity of the custom of London among many handicraftsmen, the development of the merchant adventurers and the other cloth-exporting companies—the story of the drapers is closely connected.

The appendixes to vol. ii include notes on the watermarks and paper used in the earlier documents of the company; a most valuable abstract of the ledger of Thomas Howell, 1519-27; the ordinances of 1541-60 and of 1576; various assessments and contributions for municipal and national purposes; lists of drapers who belonged to the various foreign trading companies; accounts; lists of plate, and an interesting description of searches at the fairs of Southwark and St. Bartholomew in 1587. The index is full, and, so far as I have tested it, accurate. Altogether the book is a most welcome and considerable addition to the sources of economic and social history.

J. H. CLAPHAM.

Opus Epistolarum Des. Erasmi Roterodami denuo recognitum et auctum per P. S. ALLEN, M.A., Collegii Mertonensis Socium, operam dante adsiduam H. M. ALLEN. Tom. III: 1517-19. (Oxford: Clarendon Press, 1913.)

THIS third volume covers the time from July 1517 to June 1519 and contains some 400 letters of which nearly 100 are written to Erasmus; 14 are printed for the first time. The space seems short, but the years were critical. The *Novum Instrumentum* had already appeared, and controversies around it were thickening; Faber Stapulensis had attacked Erasmus for his rendering of Hebr. ii. 7 ('De Fabro doleo, qui me odiosa disputatione compulit sibi respondere,' *Ep.* 627, l. 13: see also *Epp.* 628, 826, and 843). The circle of reformers of various shades was widening and events were moving quickly; it was on All Saints' Eve 1517 that Luther gave out his 95 theses; before this volume ends Ulrich von Hutten, who knew what he was writing about, could promise (*Ep.* 923) 'Breui totam turbari Germaniam videbis'. Erasmus found it necessary to define his attitude towards Luther and did so in a letter (*Ep.* 939: see also 979 to Duke Frederick along with 980 to Luther himself). Unmerited reproach has been cast upon Erasmus for not at once either taking the lead in the Lutheran 'tragedy' so easy to foresee or else placing himself as a follower behind Luther: this criticism not only mistakes altogether the hopes of Erasmus but confuses the order and speed of events. Erasmus had made it plain before Luther began his great career both what were the ends he aimed at and how he wished to reach them. Luther himself (see the excellent introductory note to *Ep.* 933 in this volume) had tried to build up a theological friendship with Erasmus; Spalatin (cf. *Ep.* 501 in vol. ii) had written (11 December 1516) introducing Luther (sacerdos Augustinianus

'non minus vitae sanctimonia quam insignibus theologiae' clarus, &c.) to Erasmus and asking the great exegete's opinion on matters connected with the sense of *iusticia* in Romans. Luther, however, came to think that Erasmus was more carnal than divine. Events were thus already tending towards the debate of 1524 on the freedom of the will. The view was long current, and sometimes still meets us to-day, that Erasmus picked a quarrel with Luther on a more or less unimportant matter so as to hide his real sympathy for him on the vital matters of reform. The letters (among them nos. 939, 979, and 980) in these volumes, however, show, on the other hand, early doctrinal divergencies quite apart from the differences of temperament and method between the two men. And it is interesting, by the way, to notice that *Ep.* 939 to Frederick of Saxony is accompanied by a German letter to something the same effect, in which, however, all mention of Luther is suppressed: when Erasmus, Spalatin, and Duke Frederick met at Cologne in December 1520 the duke wished to converse in the vulgar tongue, but Erasmus (whose ability to speak German I remember hearing the late Lord Acton once question, although investigation, as with his usual accuracy he told me the next day, removed his doubt) preferred to speak in Latin, so that Spalatin interpreted. Hence a German translation was really advisable for the letter. It is well to notice that Erasmus approved (*Ep.* 980) of Luther's *Operationes in Psalmos*, published after a second course of lectures on the subject and now sometimes held to be of critical significance for his theology. Letters later than this volume would go against an inference, possible perhaps from this volume alone, that Erasmus was mainly anxious not to appear too sympathetic with Luther and so be brought into disrepute.

But if, in spite of their indebtedness to Erasmus, which Luther and all reformers acknowledged, a note of discontent and uncertainty crept among the praises, Erasmus was now assailed from the other side also; thus the famous scholar Eck was among his critics (cf. *Ep.* 769), although he too mingled praise with blame. Each side was too much bent upon its own course to understand the central position of Erasmus; hence a letter like *Ep.* 809 to Marcus Laurinus (really an *Apologia*) is historically significant. But Erasmus was sure of himself; he had never been more sought after than he was now; to Laurinus he could say (p. 267) 'Licebat amplissima spe sequi Regem Catholicum. Inuitatus sum aureis montibus promissis a Rege Gallorum. Inuitatus sum humanissime a Rege Anglorum et a reuerendissimo Cardinali Eboracensi, ab Francisco Archiepiscopo Toletano, qui nuper decessit. Inuitatus sum ab Episcopo Parisiensi, a Baiocensi, ab Archiepiscopo Maguntinensi, a Leodiensi ac Traiectensi, a Basiliensi, a Roffensi, a duce Bauariae, a duce Saxoniae.' But 'omnibus his neglectis hoc agere perseueravi quod erat in manibus: et inconstans vocor, qui quod tantis vigiliis coepi cupiam absoluere'. The reason of his firm stand is given here, and it is one that is often overlooked. His letters prove, as he says himself, the truth of what he says, and he had no reason to join one party or another. Here we find him in correspondence with Zwingli, Luther, Bishop Fisher, Wolsey; with Henry VIII and other princes (more immediately profitable if less 'humani'); with Budaeus and men of learning found everywhere; with Glareanus, Beatus

Rhenanus, Hutten, and the men of the Revival of Letters. The Lutheran reformers owned their debt to him, and much of their teaching (e. g. on marriage and divorce) can be traced to his Paraphrases; in the second generation, though not indeed in the first, the men of the Counter-reformation and even the Jesuits came to value his learning and to draw arguments from his writings. His own day valued him and followed him, perhaps, more closely than they thought, and after-days have at length come to know his fitting place. Mr. Allen, with this beautiful edition, has, we may say, graven the true estimate on an imperishable rock.

For the fine work of scholarship in accuracy, detail, and knowledge abounds in this volume as in its predecessors. Prefixed to the volume (187A, p. xxix) is a dispensation from Julius II, discovered at Rome by Dr. Brom and printed in vol. xxv of this Review by Mr. Allen himself, which anticipates a similar document from Leo X (1517): it belongs to 1505-6 and gives Erasmus liberty to hold benefices, which, from the circumstances, must have been in England. But nothing came of it at the time. Incidentally it mentions Erasmus as the son of an unmarried layman, a statement not in exact agreement with others made at other times. In the *Addenda* to vol. ii, p. 291, Mr. Allen notes that the identity with Erasmus and his brother of Florence and Antony in the letter to Grunnius (*Ep.* 447) was known to one of the scribes concerned with the letter. Other *Addenda* come from various sources: for p. 77, vol. i, we are referred to that most valuable book, *The Collected Papers of Henry Bradshaw*, on the spelling, or misspelling, of the name Erasmus; for *Ep.* 710 in this volume we are referred to a letter of Bishop Howley's, advising Hugh James Rose to look with attention at Erasmus's Paraphrase. It is this minute care along with the grasp of the whole material which makes this edition so complete and invaluable.

Many of these letters are written from Louvain (p. 5 'Louanium commigrani totus, cum theologis aliquot menses acturus, qui me satis benigne acceperint'; p. 21 'Louanium vna cum omnibus sarcinis commigrauimus. Theologi summa cum humanitate me exceperunt: nondum tamen consedimus': p. 63 'Totus, hoc est cum bibliotheca, Louaniuni commigraui'). His stay there was not without its pleasures and its trials; and it left its mark. It is interesting to read in the preface (dated March 1913—for this review has been too long delayed: a reviewer shrinks from the unwonted task of undiluted praise and finds it hard to select a few pages for commendation where so many clamour for it) that Mr. Allen saved, through the kindness of M. Louis de Nève of Louvain, a collection of Erasmus's letters from a possible scattering 'by the chances of the market-place', and got them placed in English libraries. But the perils of the market-place at Louvain were even greater than Mr. Allen had thought, and we congratulate him on his happy deed.

Before leaving this volume we should note the great importance of the Froben and Amorbach letters, some of them printed here for the first time. They throw great light upon the early days of printing and publishing, in the passage from medieval to modern days. Appendix xiii (p. 630)—on the Copenhagen manuscript—brings us much information, some of it only to be got from this source, about the methods of working

adopted by Erasmus ; in his later years he wrote rough drafts which his secretaries copied fairly, but in the period covered by this volume he wrote the copies which were to be sent and his secretaries made copies to be kept. In the former case he could himself insert the Greek, if necessary, as we find Richard Pace (*Ep.* 619) doing in a letter he sent to Erasmus from Constance.

We leave Erasmus happy in his varied and international correspondence, those letter-books in which we greet scholars and princes, nobles like George Halewin (*Ep.* 641), a grand-nephew of Comines ; citizens like Willibald Pirckheimer, one of whose letters (*Ep.* 685) is here printed for the first time ; Bohemian scholars like John Slechta (*Ep.* 950) who had something of the spirit of Hus although made milder and more rural ; scholars from many universities, not least among whom we place Henry Bullock (Bovill) of Queens' College, Cambridge (*Epp.* 826 and 890, a fragment). It was a world which may have under-rated, as Erasmus did, its debt to the nearer past ; it possibly under-rated also its achievements for future days, as again we think Erasmus did for himself ; it had its own local troubles as the 'quaedam hominum colluuiis quam Nigram vocant Manum' in Holland (*Ep.* 628). But all was soon to be swallowed up in a whirlwind more destructive to sound letters than even Erasmus was sometimes to fear it would be.

J. P. WHITNEY.

Cranmer's Liturgical Projects. Edited, with introduction, appendix, notes, and indices by J. WICKHAM LEGG. (London : Printed for the Henry Bradshaw Society, 1915.)

THIS volume is an edition of a manuscript once belonging to Archbishop Cranmer, now in the British Museum. It consists of 159 leaves, and contains two calendars with tables of lessons and of two draft attempts at producing an English form of reciting the divine office, in other words, a breviary. These two drafts differ considerably in length as well as in other ways. The first, which extends from p. 4 to p. 132 of the manuscript, is a form which led eventually to the Mattins and Evensong of the Prayer Book of 1549 ; in it the seven hour services are compressed into two. The second, which covers only 23 pages of the manuscript (p. 133-56), was composed under the influence of the Quignon Breviary and had no influence, so far as can be traced, on the development of the English Prayer Book. The manuscript was apparently unknown, certainly neglected, until in 1890 it was brought to light by Cardinal Gasquet and Mr. Edmund Bishop in their book on *Edward VI and the Book of Common Prayer*. That book gave an account of the manuscript, and in appendixes ii, iii, and iv the draft orders were in part printed (in so far as they varied from the Sarum Breviary), and the two calendars were printed in full. Now, for the first time, the whole manuscript is printed at length, and edited with a care and with a wealth of learning which Dr. Wickham Legg's name implies. Besides the introduction, text, and notes there are six colotype plates which are far clearer and more beautiful than the four plates in Gasquet and Bishop's book.

The editor's introduction of sixty-eight pages is an admirable piece of work. He discusses the relation of the two drafts, and he lays stress,

justly, on the vacillating quality of Cranmer's mind which makes it uncertain whether the second draft was not after all an earlier recension which was ultimately rejected in favour of the other. He differs from Cardinal Gasquet and Mr. Bishop, who believe that the second draft was the work of Bishop Tonstal, and he corrects the views of Mr. Pullan and the late Dr. Dowden, who held, respectively, that Cranmer borrowed from a Schleswig-Holstein form, and from a church order for Calenberg and Göttingen (pp. xxx, xxxiv). Dr. Legg's own suggestion is that if Cranmer is indebted to any reformed church order for the first draft it is to Bugenhagen's *Pia et vere Catholica Ordinatio*, printed in 1535, and this theory received unexpected confirmation by his discovery of a copy of the 1537 edition of that order in the British Museum, with an inscription to Henry VIII from the author; so that Cranmer may well have known the book. But, after pointing out what is common to Bugenhagen and to Cranmer's first draft, Dr. Legg says, 'it may also be maintained that Cranmer could have taken the ideas for the First Part quite as well from the mediæval breviary, or Q.[uignon] as from Bugenhagen' (p. xxxvii), and again, 'there is no such convincing evidence on behalf of the Lutheran source of Cranmer's First Part, as there is of his indebtedness to Quignon in the Second Part' (p. xli). Another interesting point, which escaped the earlier editors of this manuscript, is in connexion with the second draft. Dr. Legg thinks that Cranmer had in mind the compression of the seven hours of prayer (counting Lauds and Prime as one) into three: Mattins, Lauds, and Prime forming one group; Terce, Sext, and None another; and Vespers and Compline a third. This is worked out on pp. xviii, xix.

The book contains many other points of minute and curious learning; not least the preservation of 'an Oxford tradition' that when Dr. Lloyd, in the twenties of the last century, was teaching the future tractarian leaders the sources of the Prayer Book, 'Breviaries were brought down from the Bodleian Library and shewn to the Bishop's class' (pp. xlix, l). Here and there reasons are given for modifying the conclusions of Gasquet and Bishop; the transcriber of the manuscript is not so positive as they in the matter of the various handwritings, and in his Notes on the second draft Dr. Legg breaks a lance with Cardinal Gasquet over the doctrine contained in the invitatory for Corpus Christi. Yet one other point made by the learned author might help very considerably to clear the air of ecclesiastical controversy if it could be accepted not merely by scholars, but by less careful writers and teachers. He says, 'It has long been evident that an office to which the name of Mass can properly be given must be in Latin. No Liturgy in English, or German, or Slavonic, or Greek, can reasonably be called a mass' (p. xxiv, n. 1), and he quotes the eminent Roman catholic scholar, Dr. Adrian Fortescue, in his support. A vast amount of misunderstanding and argument might be saved if that point could be agreed. We notice one very small point: in the history of the transmission of the manuscript, Dr. Wickham Legg omits any mention of Henry, earl of Arundel. It is just possible, as Gasquet and Bishop suggest, that the book may have been his before it passed to his son-in-law, John, Lord Lumley; though it is true the earl's name does not appear on the manuscript, while Lord Lumley's does.

S. L. OLLARD.

The Life of Sir Philip Sidney. By M. W. WALLACE. (Cambridge: University Press, 1915.)

THIS book incorporates many facts which have come to light since the publication of Mr. H. R. Fox Bourne's revised *Memoir*, twenty-five years ago: it contains a new document discovered by Mr. Wallace at Penshurst, 'The Accompte of Mr. Philippe Sidneys expenses' from 4 December 1565 to Michaelmas 1566 (covering his arrival at Shrewsbury School and a visit to Oxford and Kenilworth), and (apart from a proneness to the commercialism—'He wrote Burghley as follows', &c.) it is written in a scholarly and agreeable style. The paper is rather too thin, there is no portrait nor any facsimile of Sidney's beautiful handwriting, and the index is hardly full enough, but these drawbacks are perhaps due to the strenuous times. Mr. Wallace's treatment of vexed questions is generally judicious and carries conviction. He dismisses the story of Philip's candidature for the kingdom of Poland, proposes a double date for the composition of the *Apologie*, and wisely follows Mr. A. W. Pollard's lines in his treatment of the *Astrophel and Stella* sonnets and of Sidney's relation to Penelope Devereux. Contrary to most of his predecessors, he argues that Sidney studied at Cambridge as well as at Oxford. The evidence he alleges in support of his contention is very slight, and it is clear that Sidney was at least never matriculated, unless the university records are at this point defective. However, the Cambridge tribute to Sidney's memory, *Academiae Cantabrigiensis Lachrymae* (1587), does afford some confirmation of Mr. Wallace's view. The introductory poem, with the same title, which being signed 'G. H.' is presumably by Gabriel Harvey, makes the university address Sidney as

O Fili, dilecte Deo, dilecte parenti,
(Heu, nimium nimiumq; orbae, viduaeq; parenti)

and proceeds:

Ecce meus nuper quam fortunatus Alumnus, &c.

The concluding lines are still more definite:

nostra est iactura, scholarum
Extinctum quibus est lumen praelustre duarum.
Sancte Deus, miserere mei, miserere sororis,
Et *Sidneiani* splendoris lumina plura
Coelitus in nostris quamprimum accende Theatris.

Probably Sidney's connexion with Cambridge was a very slender one, as it does not seem to be alluded to in any of the other poems of the Cambridge collection.

To turn to some minor points, the Dudley pedigree (p. 3) would suggest that Henry was the eldest son of the duke of Northumberland: he was the fourth son, as is correctly stated on p. 13. On p. 147 the phrase 'somewhat advanced in years' seems to be misunderstood: it merely means 'somewhat older'. On p. 58, foot-note, 'Friers in Germany' should be 'Triers'. Thomas Ashton, the first head master of Shrewsbury,

as the late Professor J. E. B. Mayor argued strongly,¹ was of St. John's College, not Trinity College, Cambridge (p. 37). Thornton wrote (p. 101, note 2) not 'In plus', but 'Tu plus'. Robert Dorset is described (p. 165) as Sidney's 'old Oxford tutor', contrary to the note on p. 103. The spelling of 'Court' with a capital (p. 214, middle) seems due to a misunderstanding: Greville means that Oxford told Sidney and his friends to leave the tennis-court. Note 2 on p. 229 might have been made more telling if Mr. Wallace had remembered that a marginal note by Gabriel Harvey has lately established the fact that in 1578 Spenser was private secretary to Bishop Young of Rochester, who is therefore presumably in 1579 'your old Lord'. The first performance of Gager's *Meleager* took place not in 1581 (p. 267) but in February 1582. A good many errors are found in the long note on p. 295. Walsingham's second marriage may have taken place in 1566 or possibly 1565. His first wife had died in 1564, his second wife's first husband in 1565. The account of his family life, given in the *Dictionary of National Biography*, is perfectly correct. He had no child by his first wife, and only two daughters, Frances and Mary, by his second.² Frances was his sole surviving child, as described on his tomb,³ and as is clear from his will; it was therefore Mary who died in June 1580. Christopher Carleill was son of Walsingham's first wife by her former marriage. Walsingham is described by Stow as Carleill's 'father-in-law', but this merely means 'step-father'. In making him marry a daughter of Walsingham, Mr. Wallace is misled by Carleill's biographer in the *Dictionary of National Biography*. If this mistake be removed, all difficulties disappear. The references in this note are not quite exact. Sir H. Wallop's letter was written on the 22nd (not the 2nd) November, and the volume of State Papers, Domestic, mentioned at the end of the note should be 'cxl'.

Mr. Wallace points out (p. 333) that Hunter is manifestly wrong in saying that Sidney's daughter Elizabeth was born on 31 January 1583/4 (four months after his marriage), and he adds that 'the exact date of her birth has not been discovered'. Hunter's error lay in his misreading of the 'Inquisitio post mortem', which states that on 6 July 1588, the date when the Inquisitio was taken (not at the date of Sidney's death), his daughter was aged 2 years, 8 months, and 18 days. She was therefore born on 19 October 1585. It is remarkable that Sir Sidney Lee in the *Dictionary of National Biography* repeats Hunter's statement without noticing its impossibility. Hunter himself notes that she was stated to have been baptized at St. Olave's, Hart Street, on 20 November 1585,⁴ and questions the correctness of this date as inconsistent with that which he assumed for her birth. But it was in this latter date that the error lay. Mr. Wallace's residence at Toronto must have made it difficult for him to prosecute the researches which have here borne fruit, and we may congratulate him on the success with which that difficulty has been overcome and a book of sterling value produced. G. C. MOORE SMITH.

¹ See A. Fraunce's *Victoria*, 1906, p. xvi.

² See pedigrees in Harl. MS. 807, &c.

³ See Cooper's *Athenae Cantabr.*

⁴ Parish register transcribed in *Collect. Top. et Gen.* ii. 311.

The English Factories in India, 1651-1654. Edited by WILLIAM FOSTER, C.I.E. (Oxford: Clarendon Press, 1915.)

THE present volume of Mr. Foster's work brings us to the period of the first Anglo-Dutch war. In spite of the maritime strength of England in the near seas, it was inevitable, considering the preponderance of the Dutch power in the East, that the war should bring loss and trouble to the English East India Company, though the treaty which ended it gave some compensation for the past. In truth, apart from their inferior numbers, the English in India were not of the kind likely to prove heroes. We find the St. George factors writing, before the war,

For your owne people, wee have often informed you that they are for the most part the refuse of ships, such whome neither good example, instruction or correction can reduce to civill Conformity . . . Your Lordships only can cure this disease by sending out better qualified and more regular persons, listed in England purposely for this employment and not to bee accounted for any part of the ships Company in which they take passage, but to bee directly consigned hither for the service of the fort.

The account of the fight between the English and Dutch ships in the Persian Gulf, on 23 January 1654, is not very pleasant reading.

Above 60 able men that had not received the least hurt in the world ran away in their boats, one of which boats went to the Dutch admirall, as she lay by the lee, and they would not take them in.

According to Tavernier, the French traveller, who was present in one of the Dutch ships,

never was fight worse mannaged on boath sides. The Dutch were most of them drunke and knew not what they did; the English, I thinke, were little better, if not worse.

The object-lesson afforded of English weakness was not, of course, lost on the native rulers, who treated the servants of the Company with increasing contumely; the only thing that kept them in check being the report that a great English fleet was coming to the Gulf.

This shows [wrote John Spiller from Ispahan] what great benefits may be expected from a show of force; espetically if you could get into your hand about Surrat or on the coast of India, some convenient towne or castle; which doubtless in a short time would greatly flourish and be a meanes that you will not only enjoy a proffitabie but a commaunding trade, and be a means much to increase your strength, force and honour in these orientall parts; as the accions of the Dutch can too well witnesse.

President Blackman had already written from Surat:

Wee were never soe sensible of the want of a port in these parts (as that we might calle our owne), as wee are at present, and are like to bee if these warrs continue. Doubtless, a faire oppertunity may now present by a treaty with the Portugall, who hath enow to spare, and wee beleive willing to spare on easy tearmes. Bombay and Bassine . . . would bee very convenient for you. What the Dutch hold in Zelon wee believe the Portugalls would bee willing wee shall enjoy, if by our assistance they could be driven out; which were noe hard matter to doe, if the Parliamēt would please to engage therein. Seven or eight frigates with four or five good ships would soone give them a law in India; for though they are too hard for us at present, yet their strength is not soe great as is imagined by us in England. They have many places to secure, which require great supplies; and if they bee cut short in the springe (as wee trust they will be) the streames will soon be dried. And

if this could be effected, the honour of our nation in these parts would much be advanced, our priviledges in all places increased (which now are much impaired), your customes of Gombroono not onely established but much augmented, and you enjoy as great a royalty of the seas in these parts as formerly the Portugalls did, and the Dutch, we believe, will doe if not prevented.

But whatever may have been Cromwell's imperial aspirations elsewhere, he was at this time too much occupied to embark upon a forward eastern policy.

Those who are familiar with previous volumes of this work will not need to be told that Mr. Foster is an ideal editor.

H. E. EGERTON.

The Evolution of Prussia ; the Making of an Empire. By J. A. R. MARRIOTT and C. GRANT ROBERTSON. (Oxford: Clarendon Press, 1915.)

THE authors of this book have set themselves a task the apportionment of which is their own secret, and which they describe as 'a preliminary attempt to fill' what they call 'a conspicuous and somewhat discreditable gap in our historical literature'. There can be no doubt that they have produced a book well arranged on the general lines indicated long since by Droysen and now enlarged by a further section, and, apart from a few excrescences that cannot be left wholly unnoticed, attractively written. A certain inequality of treatment was, in the nature of the case, unavoidable, since, while 'the rise and development of Brandenburg-Prussia' may without difficulty be extracted from an abundant supply of solid material, 'the later Prussianization of Germany under the Hohenzollern dynasty' is a more doubtful theme, the exposition of which can—and by no means under the head of 'militarism' only—easily be pushed too far. To take a single instance, not only the spirit of Wilhelm von Humboldt, but the name and fame of many of its great teachers, might rise in protest against the assertion that the university of Berlin 'steadily Prussianized the German professoriate and yoked to Prussian service the work of German science'. The general course of the narrative in this volume, after moving rather restlessly among the *origines*, as if in more or less futile search of a great man before the Great Elector, flows steadily when this point is reached. The account of the 'son of defeat' (as the Great Elector, with a telling reminiscence of Queen Elizabeth's 'daughter of debate', is called) is excellent, and so, certain rhetorical moralizations apart, is the section on the greatest of all Prussian sovereigns, of whose 'military mind' what is here said is so essentially true as to be better than new. In the latter part of the volume the authors seem hampered by conditions of space which suggest the expedient, unsatisfactory at times, of generalization; but to comment on such an assertion as this, that 'Prussia has been made, not by legislation but by administration, not by politicians but by bureaucrats and soldiers', would carry this notice, in its turn, beyond necessary limits.

It is to be regretted that so competent a survey of a large and difficult subject should not have added simplicity of form to its other merits. Epigrams, or efforts in the direction of epigrams, are better away from a work designed, and rightly designed, to serve primarily the end of instruction, and Carlyle is best followed at a distance. Of Frederick

William I, as to whose most striking characteristics enough should by this time be known, we read that 'two such Kings, and Prussia would have ceased to contribute to the world anything but the ethics of Bridewell and the lessons of the guard-room'. Thirty pages earlier we had been told, in reference to the unlucky elector, George William: 'Two such electors, and Prussia would have ceased to provide anything but parochial history.' Such redundancy of phraseology may have its seductions; it has also its dangers, as where 'the ineffective "winter-King" at Heidelberg' stands for the prince who lost the Palatinate at Prague. The sarcasm in 'the Echt Deutsche of Brandenburg', if it be intended as such, will escape most students. For the rest, although fault might be found with more than one statement in this volume as too sweeping—thus it is certainly beyond the mark to describe Prussia (though it would not be to describe Bismarck and Roon) in 1863 as 'wanting to absorb both Schleswig and Holstein into the kingdom of Prussia'—it is only just to say that a tolerable close testing of the accuracy of this volume in points of detail has given very satisfactory results. It is probably only by a slip of the pen that Kotzebue is set down as a Russian *dramatist* and secret agent. Among the familiars of Frederick William IV (in whom a generally well-balanced characterization strangely notes a firm will) 'the chemist Bunsen' once more unwittingly usurps the place of his namesake; the *sculptor* Rauch is, presumably, not another *qui pro quo*. To end with a detail not devoid of significance, Bismarck was not created a count till September 1865.

A. W. WARD.

The Making of British India, 1756-1858. By RAMSAY MUIR, Professor of Modern History in the University of Manchester. (Manchester: University Press, 1915.)

THE idea to describe, in a series of dispatches, treaties, statutes, and other documents, selected and edited with introductions and notes, the history of the British conquest of India, to make, in fact, a sort of 'Stubbs's *Charters*' for British Indian history, was a good one, and Professor Muir has taken great pains to carry it out worthily. His selection is extremely well made and his introductions are lucid and often illuminating. He certainly succeeds in enabling 'the student to see the main events of Anglo-Indian history through the eyes of the principal actors', and he has gone as near as might be, according to his scheme, to make a connected narrative which may be read, apart from other information, for its own interest. He has confined himself to 'two main themes', the extension of British territory and the development of British government. His book, indeed, is practically an introduction to the constitutional history of British India, and for that reason it is somewhat disappointing that it comes to an end in 1858, whereas the most important constitutional developments occurred after that date. Political history to a great extent, and military history entirely, it excludes; and the picturesque is banished with a stern hand. Of Clive as a soldier we learn very little, of the Sepoy mutiny nothing at all. But within its limits the selection is admirable: there is no event of importance which is not clearly explained as it was seen by contemporaries, and as it appears to Mr. Muir. In his

introductions the estimates of great officials are particularly good. Nothing better on Warren Hastings than the few pages in which his principles are analysed can be found anywhere. There is no clearer description, again, of how the dual system of 1765 in Bengal failed; nor, in so short a space, any estimate more just of the services of Sir Thomas Munro; and the sketch of the history of the North-West Frontier, 1835-48, is masterly. Among documents of which Mr. Muir sees the importance more clearly than most earlier writers are to be placed Clive's letter to Pitt, 1759, suggesting the necessity of the direct rule of the British government a century before it was accomplished, and those relating to the beginning of educational legislation in the India Act of 1813.

A few points need reconsideration. The view that Hastings was satisfied with the administration of Mahomed Reza Khan, suggested on p. 104, is hardly borne out by his own words on p. 142, or by other passages in his correspondence. Daylesford, by the way, is not exactly a 'modest country house'. That 'the chief worry of these years'—1807-23—(a curious phrase in itself) was due to the English missionaries (it would be more accurate, as well as more in accord with Mr. Muir's usual practice, to say 'British') is hardly supported by the evidence which was fully considered in 1812 and twenty years later. The subject should not have been mentioned at all unless it received fuller treatment than is contained in an inaccurate statement of the editor and two incomplete extracts from letters of 1807. Lord Dalhousie's 'doctrine of lapse' was hardly so absolute in theory as Mr. Muir states, though no doubt it approached near in practice to what he asserts. A more important matter is the view Mr. Muir takes of Cornwallis's Bengal revenue settlement. He simply (without naming their origin) reasserts the statements which were made by James Mill, that Cornwallis was a landed magnate who wished to create a landed aristocracy in Bengal, regarding English institutions as the summit of human achievement and 'the English governing class of large landowners' as the height of excellence; that he disregarded village and community rights and made the 'semi-hereditary district collectors of land-tax into owners of the soil'. This view, which accorded with his notorious political prejudice, was perhaps excusable in James Mill, for it is doubtful if he had read the Cornwallis correspondence (much of which exactly contradicts his view), and not all that is now available had been published when he wrote. Neither Cornwallis nor Shore ever assumed that the zemindars were owners; and the utmost that was allowed them was a qualified proprietary right, as persons with whom it was most desirable to treat. Cornwallis sanctioned the division of their estates—not at all the idea of a landed aristocracy. He intended that they should be deprived of their powers of jurisdiction, toll-taking, &c., and that the rights of the cultivators should be certified as fully and as strongly as those of English copyholders, with revision from time to time by government. Mill's fallacy of regarding the zemindars as one specific class, instead of a great variety, has long been exploded. His account of the Bengal settlement is indeed almost entirely wrong, and it is a pity that Mr. Muir has not subjected it to the test of contemporary evidence.

W. H. HUTTON.

The French Army before Napoleon. By SPENSER WILKINSON. (Oxford: Clarendon Press, 1915.)

PROFESSOR WILKINSON in the first of these lectures advances the view that a study of the constant efforts made to improve the French army between the Seven Years' war and the outbreak of the French Revolution is essential for a right understanding of Napoleon's generalship. The result of over twenty years' progressive development was to make 'possible a new organization, a new method of waging war, and a new generalship'. The lecturer sets himself to combat the view put forward alike by Jomini and Clausewitz, that Napoleon's success was due to his almost superhuman genius, and explains his rise to military fame as the consequence of his profound study 'of the pioneers who had preceded him'. But having stated the problem the author makes no apparent attempt to solve it, until the very last paragraph of the last lecture is reached, when he sums up as follows:

The French army was therefore better fitted for war than any of the other armies of Europe, and when it came under the leadership of a young general, imbued with its own spirit, who could exercise the command unhampered by the intrigues, the jealousies, and the insubordination which had ruined the army of the *ancien régime*, it was well qualified to defeat in turn those other armies, all of which clung to the ideas, methods, and institutions inherited from a dead past.

But the French military writers of that period recognized that the new machine which they were seeking to fashion must, if it was to attain the results hoped for, be placed in the hands of a leader of genius. What seems to be required for the solution of the proposed problem is a definition of 'genius', which is not here supplied. The real value of these lectures lies in the lucidity and thoroughness with which the author explains the methods by which the new military machine was fashioned. He shows how, before the close of the Seven Years' war, Broglie, inspired by the precepts of Bourcet, proved more than a match for Ferdinand of Brunswick. After the war a succession of able staff-officers devoted themselves to the work.

First and foremost of these was the younger Guibert, who revolutionized the theory of infantry tactics by substituting for the use of massive columns in the charge the employment of battalion columns in a simple formation; and the Drill Book of 1791 finally embodied his teaching. Not less instructive were his theories on the subject of artillery. He laid down that the principal object of artillery fire should be the enemy's troops and the obstacles protecting them, and that the French guns should only enter into a duel with those of the enemy when the protection of their own troops rendered it imperative. The French artillery was reorganized by Gribeauval, whose guns were the best in Europe with their increased range and greater rapidity of fire, whilst Du Teil, in an essay on the 'use of the new artillery', published in 1778; confirmed and extended Guibert's views. In his strategical theories Guibert was equally in advance of his times. To him the secret of success lay in concentration of effort, the massing of the greatest quantity of fire and of force on the decisive points. In his treatment of the questions of supplies and communications he laid

down the principle that the movement of troops is the main thing and everything else must be made subordinate.

The enemy must see me marching when he supposes me fettered by the calculation of my supplies: this new kind of war must astonish him, must nowhere leave him time to breathe, and make him see at his own expense this constant truth, that hardly any position is tenable before an army well constituted, sober, patient, and able to manoeuvre.

The work of the reformers was incessantly harassed by court intrigues. Successive war ministers strove to get rid of the incubus of the old system, of which a prominent feature was the excessive numbers of highly placed and overpaid officers. In 1775, out of a total strength of 170,000 men in the army, no less than 60,000 were officers, and their pay and pensions absorbed more than half the army budget. Only a sixth of these officers were doing duty with their regiments, and 'for some 200 regiments there were more than 1,100 colonels and 1,200 generals'. Saint-Germain nearly doubled the strength of the army, and in 1789 the establishment of officers had been reduced to 9,578. The last two lectures deal with the formation of the national army.

W. B. Wood.

Le Maréchal Mortier, Duc de Trévise. Par son petit-neveu le Colonel FRIGNET DESPRÉAUX, de l'ancien Corps d'État-Major. I, II: 1768-1804. (Paris: Berger-Levrault, 1913-14.)

MARSHAL MORTIER has had a long time to wait for a biographer, but the scale on which his great-nephew is undertaking the work promises to make ample amends for the prolonged neglect of an interesting and noble career. Though Mortier does not stand in the first rank of Napoleonic soldiers, yet he was unsurpassed by any of his brother marshals in integrity and devotion to duty. From a military point of view the special interest of his career lies in the fact that he was one of the very few marshals of Napoleon who had had no military experience before the Revolution. He had not served in the old royal army nor had he been trained in any military school.

Born in at 1768 Cateau-Cambrésis, of an old and much respected bourgeois family, he was originally intended for a merchant's career. But on the formation of the National Guards in 1789, he entered the corps of his native town. Two years later, when the first call for volunteers was made, he enlisted in the first battalion of the Département du Nord and was immediately elected captain of his company. These volunteers of 1791 were the flower of the French nation. Eight of the new battalions were commanded by future marshals of the empire, and six more marshals, including Mortier, were to be found among the commissioned officers of lower rank. Mortier's battalion was attached to the army of the north, and ten days after the declaration of war he had his horse killed under him in a skirmish. After exactly two years' service, during which he took part in the battles of Jemmapes and Neerwinden and the fighting round Dunkirk, which preceded the battle of Hondschoote, he was promoted to the rank of major on the staff (September 1793). He gained his next step, colonel on the staff, in June 1795. During this period he took part in the

battles of Wattignies (in which he was wounded) and the Roer, the advance to the Rhine, and the siege of Maestricht. He continued to serve on the staff till the end of 1797, when he was sent to Paris with tidings of the surrender of Mayence. For the first half of these four years of staff-service he was generally acting as chief staff-officer of a division, but from October 1795, when he was attached to Lefebvre's division, he served as a rule with the advance-guard, and made a reputation as a leader of flying columns, especially distinguishing himself in a cavalry encounter at Hirscheid in August 1796. Lefebvre made him his chief staff-officer in May 1797.

Thus Mortier gained his experience as a commander of a fighting force of all arms, though on a small scale, with the army of the Sambre-et-Meuse, under Jourdan's command. Having always had a preference for service with the mounted arm, Mortier was gratified in January 1798 at his appointment to command the 23rd regiment of cavalry. Kléber, under whom he had served on the Rhine, had formed so high an opinion of his abilities that on his appointment to command a division in the 'army of England' he applied for Mortier to be attached to his staff. But Kléber's destination was suddenly changed from England to Egypt, and Mortier was ordered back to his cavalry regiment on the Rhine. In February 1799 he was promoted brigadier-general, and, having taken part in Jourdan's unsuccessful Stokach campaign, served under Masséna, Jourdan's successor, throughout the campaign of Zurich. He greatly distinguished himself in the actual battle, being promoted major-general by Masséna on the field of battle after the first day's fighting, and afterwards in the pursuit of Suvoroff. Like Kléber, Masséna was favourably impressed with Mortier's military abilities, and when in 1800 he had taken over the command of the army of Italy, applied to have Mortier transferred to that army. At the end of March Mortier arrived in Paris, *en route*, as he supposed, for Italy. But unexpectedly he found himself appointed, on 15 April, to the command of the 17th military division, with head-quarters at Paris, in succession to his old commander Lefebvre. This appointment was a signal proof of the First Consul's confidence, as the two men had never previously met, and the next three years, during which Mortier discharged his difficult duties as military governor at Paris with efficiency and tact, confirmed Napoleon's high opinion of him to such an extent that, on the renewal of the war with England, he selected him for the command of the army of Hanover, with the rank of lieutenant-general. In his first independent command Mortier displayed abilities of a high order. His army was barely 14,000 strong, very weak in artillery, ill-equipped, and with practically no train. But by forced marches he forced the capitulation within a week of the Hanoverian army, which was larger than his own, on the banks of the Weser. This bloodless campaign made him master of the whole Electorate, and his brilliant success was due as much to political tact as to military talent. The refusal of George III to recognize the Convention of Suhlingen threatened a renewal of hostilities, but Mortier's tact proved equal to the occasion, and a month after the first convention on the Weser he secured a final capitulation on the Elbe. Till February 1804 he remained in command of the army of occupation, and whilst enforcing the heavy

demands which Napoleon made upon the resources of the country, contrived to retain the goodwill and respect of its inhabitants.

The direct materials for the earlier part of Mortier's biography are very meagre. He kept a journal, which commenced in September 1793, when he entered on his staff duties, and terminated on 17 May 1803, just as he was starting for the conquest of Hanover. But this journal is a bare record of dates and places. A considerable mass of the marshal's correspondence has been preserved in the archives of his grandson, the fourth duke of Treviso, but comparatively little of this refers to these earlier years. The author has therefore been forced to supplement his information by references to the national archives and those of the ministry of war, but in his treatment of these documents he seems to have somewhat sacrificed his sense of proportion. Consequently the first volume tends to become a history of the army of the Sambre-et-Meuse rather than a biography of a staff-officer in that army. In its pages the reader will find an illuminating account of the difficulties which beset the commanders of the young republic's armies, of the incompetence of successive war ministers, of the arbitrary interference of the deputies on mission with the commanders in the field (though a good word must be said for Gillet), of the consequent reluctance of army officers to face the risks attaching to a general's rank (on 23 September 1793 there were 24 generals under arrest in the Conciergerie prison alone), of the sufferings of the armies from defective transport, and of the intolerance with which the central government forced the unlucky generals to undertake campaigns which the state of their armies rendered impossible of execution. Jourdan, Kléber, Hoche, all in turn were almost driven to despair. Unfortunately the military value of the narrative is impaired by an almost complete lack of criticism. There is only one reference made (pages 357-8) to Napoleon's *Observations on the Operations in Germany in 1796*. Nine maps attached to these two volumes illustrate these various campaigns, but the method of their construction makes them rather confusing.

W. B. Wood.

Short Notices

MR. E. A. FRY'S excellently printed *Almanacks for Students of English History* (London: Phillimore, 1915) will be found more convenient for use than De Morgan's well-known *Book of Almanacks*. De Morgan was a great mathematician and his rules and notes are always scientifically exact and illuminating; but he did not make sufficient allowance for the limitations of ordinary historical students. For instance, in his set of thirty-five almanacks he omitted to supply any list of the years to which they were applicable, and only gave a series of numbers referring to tables from which they could be extracted by a reverse process. Mr. Fry follows the example furnished by Dr. Grotefend's unequalled tables in placing all the years wanted, both for old and new style, conspicuously at the head of each page. He would have done well to have also followed this model in giving no numbers to the tables and leaving them to be referred to in his Easter tables on pp. 74-9 simply by the date of Easter: the duplication of references, both to the number of the table and to the date of Easter, is unnecessary and confusing. The table of movable feasts on pp. 80 f. is not so plain as the familiar table prefixed to the Prayer Book. Being arranged only for England the tables make no provision for new-style calendars between 1582 and 1752; but English students need the means of ascertaining dates in foreign correspondence during this interval. The fault is the opposite to that of Dr. Grotefend, who does not admit any old-style calendar after 1582. We are sorry to say that the list of saints teems with mistakes of spelling (a fault which is also noticeable in the calendars) and omits a number of translations and subsidiary feasts which are required for the understanding of many documents. By confining himself to England Mr. Fry has the advantage of eliminating some confusing varieties in usage and observance. But his remarks are not always correct even for England. For instance, the reckoning of Sundays after Trinity instead of after Whit-Sunday, so far from having been introduced in 1549, simply followed the old Use of Sarum. St. Hilary never had an octave in the calendar, though no doubt documents written on 20 January were frequently dated *in octabis s. Hilarii*, meaning a week after Hilary-tide. In placing St. Matthias on 24 February in Leap Year Mr. Fry has forgotten the rule (the Sunday letter being taken as *A*),

Cum bisextus erit, *F*'servit utrique diei:
Posteriore die celebrantur festa Mathie.

In the list of popes (p. 133) it is a strange lapse to enter Alexander V and John XXIII as 'in Pisa', as though on the same footing as the pontiffs who lived 'in Avignon': John, at least, was elected at Bologna and

never resided at Pisa. The statement on p. 137 that there was no Hilary law-term in 1751 (in the sense that the term of 1751/2 was included by statute in 1752) is likely to mislead.

R. L. P.

Sir John E. Sandys's *Short History of Classical Scholarship* (Cambridge: University Press, 1915) is an abridgement of the author's important work on the subject which has been widely known for many years.¹ To reduce three large volumes into one small one, severe compression was necessary; but the author has avoided the mistake of attempting merely to popularize. While he has had to omit or pass by summarily a good many minor scholars, he has taken care that the greater men shall not suffer injustice. In particular we are glad to see that he has retained sufficient indication of titles and editions, and while shortening, has not suppressed his foot-notes. He has even been able to include a fair proportion of the illustrations which formed an interesting feature in the larger book. To those who cannot purchase that book this compendium may be heartily recommended.

L.

Mr. J. Sever's essay on *The English Franciscans under Henry III* (Oxford: Blackwell, 1915) contains a careful and on the whole accurate account of the Franciscan constitution. There is no originality of treatment, but the writer has arranged his facts intelligently and discovered one or two new ones which had escaped previous explorers, such as the provincial chapter at Canterbury in 1240. There are a good many errors in detail: e. g. p. 65, Richard of Devon should be William of Essey; p. 70, Walter is not the English equivalent of Galfridus; the story given on pp. 79-80 comes from Bartholomew of Pisa, not from the Lanercost Chronicle; p. 85, Eccleston does not say the friars made progress under Grosseteste 'in oratory', but *in questionibus*; p. 110, 'Grostete' is a mistake for the archdeacon of Northampton. It is a pity Mr. Sever did not revise his essay before printing it. He would probably on consideration have recast his 'Foreword'. He might have avoided some very unscholarly references to his authorities and have improved his bibliography. *Chronicles of Salisbury* is hardly an adequate reference (p. 4). There appears to be a curious confusion between *Franciscus Bartholi, Tractatus de Indulgentia* (which has nothing to do with the subject at all) and Bartholomew of Pisa. The *Bullarium Franciscanum* generally appears as 'Bulla Franciscana', sometimes 'Bullarium Franciscana' or 'Bulla' alone. 'Lanercost' was not the name of a friar (p. 50). 'Opus Tertius' appears so persistently that one doubts whether 'pestum istam' (p. 77), 'necessionem' (p. 86), 'in hominis' (p. 108), are to be put down to the printer.

A. G. L.

Students will welcome the portable edition of Dante's *De Monarchia*, which contains the Oxford text edited by Dr. E. Moore, and an introduction by Mr. W. H. V. Reade, tutor of Keble College, Oxford (Oxford: Clarendon Press, 1916). It is unfortunate that the print is so small and that there are no notes. The *De Monarchia* is read by many who need

¹ See *ante*, xx. 338-41, xxiv. 561-6.

assistance in regard to many of the allusions. Mr. Reade attempts to provide this assistance by his introduction on the political theory of Dante. It is a good essay and readable. But Mr. Reade does not look before and after sufficiently. The *De Monarchia* in the third book uses the argument, which is the inspiration of the later doctrine of the divine right of kings, that secular power is immediately from God alone, and is not by grace of our lord the pope. Even the political literature of the middle ages provides more parallels than Mr. Reade indicates—for instance, the answer of Henry IV to Hildebrand, and some of the disputation of Frederick Barbarossa with Hadrian IV. At the same time this essay is valuable, especially in the illuminating contrast between Dante and Machiavelli.

J. N. F.

Professor T. F. Tout in *A Medieval Burglary*, reprinted from the *Bulletin of the John Rylands Library*, tells the story of how the treasury of the king's wardrobe within the precincts of the abbey of Westminster was plundered by Richard of Pudlicott (not without the help of some of the monks) in 1303. The incident has been several times loosely described by modern writers. But it is certainly useful to have the more critical narrative which Professor Tout has here set forth in lively fashion. There are two illustrations from the Cotton MS. Nero D. II, showing the robbery of the treasury, and the outrage on Boniface VIII, in whose sufferings the monks of Westminster found an analogy for their own imprisonment as a result of the robbery.

C. L. K.

The publication of *William de Colchester, Abbot of Westminster* (London: Society for Promoting Christian Knowledge, 1915) by Canon E. H. Pearce, who has expanded a lecture delivered at the Royal Institution, is justified by the fact that the book supplies a regrettable omission in the *Dictionary of National Biography*, and is mainly based upon the unpublished archives of the abbey. A brief contemporary notice of the downfall of Richard II extracted from the *Liber Niger Quaternus* on p. 76 deserves attention. Mr. Pearce might have gleaned one or two additional facts from the *Calendar of Patent Rolls*, and he has overlooked the passage in the *Monk of Evesham's Chronicle* implicating Colchester in the alleged plot of the duke of Gloucester against Richard in 1397—a mistake no doubt, as the abbot's share in the Epiphany conspiracy against Henry IV is hardly reconcilable with such an attitude two years before. 'Kensington', on p. 27, is a misprint for 'Kennington'; and on p. 65 insufficient allowance seems to be made for the greater buying power of money in the middle ages.

J. T.

Mr. Howel T. Evans, in *Wales and the Wars of the Roses* (Cambridge: University Press, 1915), examines the struggle between Lancaster and York from the point of view of Wales and the Marches. His plea of the importance of the military situation in the Marches is not without justification, and there is a considerable amount of information to be derived from the writings of Lewis Glyn Cothi and other Welsh bards. If the Welsh poets are not very trustworthy and often vague, they deserve

to be brought into account. Mr. Evans has therefore done well to prefix to his volume a judicious and useful estimate of the character and quality of the contemporary Welsh literature as a source for history. The main subject, however, proves rather thin and centres round a few individuals, and more particularly round William Herbert, the first earl of Pembroke, and Jasper Tudor. This may be held to excuse the insertion of an account of the state of things in Wales during the first half of the fifteenth century, and of the part played by Welshmen in the last phases of the Hundred Years' war. The real interest of the volume only begins when we reach the fourth chapter, wherein the growth of the influence of Herbert and Tudor during the last years of Henry VI is traced. Mr. Evans makes a plausible argument that at the time of Ludford Field Herbert favoured the Lancastrian cause. But it is in the history of Herbert's career during the first eight years of the reign of Edward IV that the book is most novel and interesting, and this is really its main theme. The placing of Herbert as a political counterpoise to Warwick, and the description of him as 'the ablest of those subtle advisers who stood around the royal person and gave the reign its most distinctive constitutional feature', are somewhat exaggerated. But the comparison of him to the parvenu ministers of the Tudor period is a good point, even though the statecraft of Edward IV had hardly taken shape during Herbert's lifetime. The concluding part of the volume is less distinctive, for, in spite of Henry of Richmond's Welsh associations, there is no such marked an individuality to give it shape. The volume is nevertheless an interesting and useful study of a somewhat neglected aspect of fifteenth-century history.

C. L. K.

The volume of *Papers relating to the Scots in Poland, 1576-1793* (*Publications of the Scottish History Society*, vol. lix), edited by Mr. A. Francis Steuart (Edinburgh. Constable, 1915), treats of the lives of the Scots in Poland and of the vicissitudes of fortune which they encountered in that country. Most of the documents reproduced relate to the seventeenth and to the first half of the eighteenth century, when the Poles were still masters in their own country and had the chance of laying down the law. That Scots migrated during these centuries in large numbers to Russia is well known,¹ but they were also to be found in plenty in Poland. In 1621 the Polish ambassador informed King James that there were no less than 30,000 of his Scottish subjects in Poland. Some of these were soldier-adventurers, whose number was increased after 1648-9; amongst earlier emigrants who entered the Polish army was one Peter Learmonth, who is supposed to have been an ancestor of the great Russian poet Lermontov. But by far the larger number of Scots who found their way to Poland were traders, and many of them became very prosperous. For the most part they were pedlars and hucksters (*krämer, krahmer, cramer*, Polish *kramarz*), but many became purveyors to the court and occupied other important court and official positions. The local merchant guilds, on the other hand, did not at all favour the competition of these immigrants, who had come, in the words of one traveller, Sir John Skene, to get away from the poverty of Scotland

¹ See *ante*, xxix. 612.

and to exploit the abundance of Poland. Difficulties were placed in the way of Scots becoming members of the guilds or burgesses of the towns, and yet if they did not do so they were harassed by the law. Much to their indignation they were taxed along with Jews and gipsies. They were at one moment forbidden to roam, and at another forbidden to settle down. King Sigismund III at the request of a certain town even issued a mandate against 'Jews, Scots, and other vagabonds'. The Scots entered Poland by way of the great port of Danzig and thence found their way up the Vistula to Bromberg, Thorn, Warsaw, Lublin (where they formed a religious brotherhood), and Cracow, and even made their way into Lithuania. Those who went to Poland for military adventure for the most part perished in the wars in which they fought. Of the Scottish traders many realized the hope with which they always set out from home, of returning there when they had made enough money. But for these facts the records of Scotsmen in town and country in Poland would be very much more numerous than they are. What records have been found the editor of this book and his collaborators have done their best to bring within our reach in an excellent English translation, but no doubt many more exist in remote private libraries and other inaccessible places. The book is scarcely one which can be read through with sustained interest, but it throws vivid light on the social life of the trading classes in Poland and on the conditions under which they traded, and is therefore of considerable interest and importance to students of Polish history. Attention may be called to Mr. Steuart's general introduction and to Miss Beatrice Baskerville's account of the Scottish Brotherhood at Lublin (pp. 108-18). The rest of the book consists of documents of all sorts, letters patent, grants of privileges, legal documents, inventories of property, entries of baptisms, and other records, and includes three letters of James I (VI) relative to the treatment of certain of his subjects there. Mr. Steuart has added an excellent and necessary appendix on the Polish currency, and there is a complete index of names. N. F.

Professor G. C. Moore Smith's book on *Henry Tubbe* (*Oxford Historical and Literary Studies*, V. Oxford: Clarendon Press, 1915) is concerned with a writer about whom very little has been known hitherto. There is no account of him in the *Dictionary of National Biography*. The only thing that he published was the six-line epigram on Joseph Hall, bishop of Norwich, engraved under the portrait by Marshall in Hall's *Works*, and dated 1641. In 1659, four years after his death, there appeared his *Meditations Divine and Moral*, which was reprinted in 1682, and by this alone was he known to later generations, in so far as he was known at all. He was an unassuming Cambridge scholar who had thought of taking orders, but was forced by the ecclesiastical upheaval to spend most of his life as a tutor in the service of the marquess of Hertford at Essex House and of the earl of Thanet at Hothfield. We should still have known little or nothing about him but for his care in garnering his papers. They were bound after his death in two folio volumes by Samuel Mearnes, the famous binder, and the 'loving friend' who is mentioned in his will. One of these contains his *Meditations in Three Centuries*—

a final transcript, 'probably ready for publication'; the other is a miscellaneous collection of letters, verse-epistles, elegies, satires, odes, epigrams, and characters. The first passed into the possession of Octavian Pulleyn, the warden of the Stationers' Company at the time when the *Meditations* were published, and was lost sight of till 1861, when the late Mr. Frederick Hendriks wrote about it to *Notes and Queries*; it has recently been sold to America. It is the less valuable of the two manuscripts, as most of it has long been accessible in the printed volume, though Mr. Moore Smith's comparison has shown interesting variations. The other manuscript is the Harleian MS. 4126. Nothing in it has hitherto been published except the epigram on Hall; but attention was drawn to it also in *Notes and Queries* in 1861. Dr. Moore Smith has added another name to the long list of minor poets of the seventeenth century. The poems given in this volume are only a selection, but they are not remarkable either for originality or for skill in the handling of the verse. When Tubbe does not plagiarize, he imitates. His model for his royalist satires on the parliamentarians was John Cleveland, who was a fellow of St. John's, Cambridge, during Tubbe's seven years of residence in that college. In his verse-epistles, elegies, odes, and epigrams his chief models were Suckling and Randolph. He gives the impression of a kindly but somewhat weak personality that took its colour too readily from its surroundings. It would be difficult to find anywhere a body of verse which shows more unmistakably the form and pressure of the time when it was written. A complete edition of Tubbe's verse, or even a longer selection than we have now been given, need not be expected. We welcome this selection as adequate, though we could wish that it had included the epigram on Ben Jonson as a companion to the epigram on Hall. Tubbe has been fortunate in his first and probably his only editor, a member of his own college of St. John the Evangelist, who has piously spared himself no trouble, and who, it must be admitted, has given us in the careful biography something better than the poems to which it serves as introduction.

D. N. S.

Mr. J. R. Henslowe's *Anne Hyde, Duchess of York* (London: Werner Laurie, 1915), is not a work of much historical merit. It is based on a strange mixture of original authorities and second-hand compilations, employed without any discrimination, and without giving exact references. There may be some case in which the page as well as the title of the book quoted is given, but I have not discovered one. Manuscripts are referred to, as a rule, with equal vagueness. 'Lansdowne MSS.' or 'Harleian MSS.' are examples. In the preface, however, extracts are given from a note-book of Anne Hyde's, which are of considerable interest, and later in the text there are some family letters from the Clarendon MSS. in the Bodleian and from the British Museum, which appear to be printed for the first time. These, for which references are duly given, form the only valuable part of the book. The introduction says that 'the life of Anne Hyde had results for her age and country which even now can hardly be measured accurately and dispassionately'—a statement which explains why this life of her was written.

C. H. F.

R. B. Westerfield's *Middlemen in English Business, particularly between 1660 and 1760*, published in the *Transactions of the Connecticut Academy of Arts and Sciences*, 1915, is a systematic and informing study of a neglected aspect of economic history. It is based upon very wide reading in the pamphlet literature of the sixteenth and seventeenth centuries and in local and industrial histories. It lacks something in clarity both of presentation and of style: the date to which a particular statement of fact is to be referred is often uncertain; English geography has not been quite completely mastered, and there are sentences which are not easily construed. There is also a tendency to endorse first one authority and then another, even when these authorities are not in full agreement. We are told, for instance, on p. 333 that throughout the period 'the chief medium of commerce . . . was the weekly market . . . and the less frequent fair'. Six pages lower down it is stated, on the authority of Mrs. Green, that 'the fair was "superannuated" and "was already falling into a slow decrepitude" in the fifteenth century'. The statements are not adjusted to one another. The first is nearer the truth. But the authorities are there, and a careful reader is given materials enough for agreement or disagreement with any given opinion of Mr. Westerfield's. His careful examination of the middlemen, trade by trade, is a solid contribution to knowledge and is one more reminder to English economic historians of their debt to American workers. J. H. C.

Mr. C. H. McIlwain, of Harvard University, has done a useful work in editing, with a valuable introduction, Peter Wraxall's *Abridgement of the Indian Affairs* (*Harvard Historical Studies*, xxi. Cambridge, U.S.A.: Harvard University Press, 1915). The registers of Indian records were the basis of two books, Colden's *History of the Five Nations* and Wraxall's *Abridgement*. Colden's book is superior in form and fuller, for the short period of time, about 20 years, from 1678 to 1698, which it covers. The *Abridgement*, on the other hand, goes down to 1751. To it was in great measure probably due the appointment of Sir William Johnson as superintendent of Indian affairs; and Wraxall played no little part as secretary in influencing his chief's policy. A paper of his upon the British Indian interest in America, drawn up in 1756, is termed by Professor Alvord 'unquestionably the ablest and best paper on the Indian question written during this period . . . and its influence may be traced in all later communications and in the final construction of a definite policy'. The importance of the Indian question in the American colonial history of the eighteenth century is being more and more recognized by American historians; and this publication gives much information on it in a very convenient form. H. E. E.

By a careful use of the early records of the Society of Friends in New England and in London, Miss Martha Eliot in her *Church and State in Massachusetts, 1691-1740* (*University of Illinois Studies in the Social Sciences*, iii. 4. Urbana, U.S.A.), has for the first time clearly shown the successive steps by which the Quakers gained 'a fairly comfortable status in Massachusetts law before the middle of the eighteenth century'.

In dealing with the Baptists and the church of England, the author covers ground that has been more explored. With regard to the latter, however, the records of the Society for the Propagation of the Gospel furnish much material, of which Miss Eliot has made good use. H E. E.

Some improvements have been made by Mr. Hassall in the new edition of his handy little *Life of Viscount Bolingbroke* (Oxford: Blackwell, 1915), first published in 1889, and an interesting exposition of Bolingbroke's religious and philosophical opinions, for the most part due to the dean of Christ Church, is a welcome addition. The reasons which led St. John to engage in the discreditable negotiations preceding the treaty of Utrecht are carefully examined, and his political conduct generally is represented in as favourable a light as possible. Mr. Hassall maintains the opinion that he did not desire a Jacobite restoration in 1714, but aimed at putting the tory party, with himself at its head, in so strong a position that it would command the situation on the queen's death. Some trifling corrections might still be made with advantage: St. John's first marriage took place in May 1701, not in 1700; his second wife, who can only be described as 'a niece of Mme de Maintenon' in so far as her first husband was Mme de Maintenon's nephew, died in 1750, as in Mr. Hassall's original edition, not in 1751 as stated here; his father was created a viscount in 1716, as is correctly noted elsewhere, not merely a baron as on p. 6. M.

The title of *Baron D'Holbach, a Study of Eighteenth Century Radicalism in France*, by Mr. Max Pearson Cushing (New York, 1914), raises expectations which its contents hardly fulfil. The biographical sketch of Holbach, although agreeably written, is so slight as to add little to our knowledge of the man. The account of his writings, even of the celebrated *Système de la Nature*, and of the criticisms which they provoked, labours under the same disadvantage. But Mr. Cushing has printed for the first time several letters of Holbach to Wilkes which certainly exhibit him in an amiable light and display a command of English wonderful in a foreigner. A valuable bibliography of Holbach's writings and another of books which in any way touch upon Holbach and his opinions form perhaps the most solid parts of this study.

F. C. M.

In *The Quest and Occupation of Tahiti by Emissaries of Spain in 1772-6*, vol. ii (Hakluyt Society, 1915), the editor and translator, Mr. Bolton Glanvill Corney, deals with the second voyage of the *Aguila* to Tahiti in 1772, under the Biscayan, Don Domingo de Boenechea. This excellent explorer died during the expedition, and his work was carried on by Don Tomás Gayangos, and it is noteworthy of the whole of 'The Quest' that (owing to the instructions of the severe but humane Don Manuel de Amat) the intercourse between the Spaniards and the Tahitians was entirely friendly, and, as the editor puts it, 'should go far towards redeeming Castilian gentlefolk of that period from the obloquy to which deeds of violence and oppression committed in South America have exposed their memory'. Nothing could be better done than the editing of the book.

To special knowledge Mr. Corney has added infinite research and pains. From a master-mariner in Tahiti, whose grandfather had sailed with Captain Cook, he was able to glean interesting confirmation of an assumption in his first volume. His knowledge of the native languages and customs gives to his comments on the Spanish renderings and narratives a particular value, and he has gone to the trouble of recounting the histories and genealogies of certain of the Tahitian *arii rahi*, or overlords, to complete his elaborate and instructive introduction. A. F. S.

Henry Laurens, as one of the protagonists in South Carolina of the American Revolution, was entitled to an adequate biography; and therefore Professor D. D. Wallace has met an existing need in his *Life of Henry Laurens* (New York: Putnam, 1915). Dr. Wallace has made excellent use of the very numerous Laurens MSS., and no fault can be found with the volume on the ground of carelessness or inaccuracy. We are even told the exact dimensions of Laurens' dining-room as proclaiming 'the hospitality for which it was designed'. The author can see the faults in his hero, and in the chapter on the Deane-Lee controversy recognizes one instance at least of his fallibility. It is regrettable that the force of American *idola fori* prevents Dr. Wallace from taking a more independent view regarding the breach of the Saratoga Convention. The following passage well illustrates his attitude where Great Britain is concerned:

In January, 1774, Franklin presented, as agent for Massachusetts, a petition for the removal of their Governor and Chief Justice. Instead of receiving a judicial hearing he was subjected by Solicitor-General Wedderburn to a grilling which so delighted the Privy Council that they gave themselves up to shouts of derisive laughter without dignity or self-respect—an hour's merriment which cost the Empire dear in cutting some of the strongest ties which still held many of the strongest men in the Colonies.

No one would gather from this that British indignation, however unfortunate in its display, was based on the fact that the charges brought forward rested on the contents of stolen private letters. To an English reader it reads strangely to find Admiral Anson, who received a peerage in 1747, described as Lord George Anson, and the wife of Lord William Campbell was not Lady Campbell. H. E. E.

Miss Eloise Ellery's study of the career of *Brissot de Warville* (Boston: Houghton Mifflin Company, 1915) has substantial merits. The authoress writes in a judicial spirit and she has taken much pains, consulting all the sources available, whether printed or manuscript, including some which have never been used before. A bibliography of more than sixty pages attests her diligence. She has collected probably all that will ever be known about Brissot's career previous to the Revolution, and she has thrown much new light upon his interests and pursuits during his residence in the United States. Her knowledge of the general history of the period is not always in proportion. Thus, in speaking of Brissot's attack on the *Caisse d'Escompte*, she observes that it had not been sufficiently controlled by the government (p. 103). It would be truer to say that the *Caisse d'Escompte* had

fallen into difficulty, because it had been forced on various occasions to support the government. Again, what does Miss Ellery mean by speaking of Brissot's 'proposition for a council composed of representatives of the departmental guard' (p. 350)? It is well known that Brissot, like other Girondins, desired the formation of a departmental guard to protect the Convention against the mob of Paris. But did he ever suggest that this guard should elect a council, and if so, what was this council to do? If the passage is more than a confusion of ideas, these words need an explanation which we do not find. Again, Miss Ellery speaks of 'punishment meted out by the ecclesiastical authorities, such as excommunications and exemptions' (p. 47). We have not been able to discover what exemptions in this use signified. It argues some unfamiliarity with the England of George III to describe Lord Mansfield as a literary man (p. 33). There are also a number of minute blemishes. De Grave, not De Graves, is the correct name of the war minister in the spring of 1792. 'Persecution of Bouille's French prisoners' should obviously be 'prosecution'. 'Patriotic contribution of one-fourth of the revenue' is an odd way of describing the well-known patriotic contribution of a fourth of every man's income. 'Copies of a slave-ship' is singular for 'copies of a picture of a slave-ship'. 'Foyer of revolution' and 'spirit de suite' are careless mixtures of French and English. Lastly, Miss Ellery writes in a language which allows of such locutions as 'the report was ordered printed'. But with careful revision her book will be of real value.

F. C. M.

A volume entitled *Au Service de la Nation, Lettres de Volontaires (1792-8)* (Paris: Alcan, 1914), by Colonel Ernest Picard, chief of the historical section of the French General Staff, who died in 1913, has a peculiar interest of its own. From these letters, the spontaneous and unaffected expression of the feelings of the young volunteers, can be gauged the psychology of those troops who won so many victories over the armies of allied Europe. Couched in the homeliest of language and largely concerned with the interests of the parents and friends left behind at home, they are pervaded by a simple yet genuine patriotism. The letters are divided into five sections according to the different theatres of war from which they were written. In themselves they constitute a 'human document' of real interest, whilst the careful editing of the author has given them a genuine historical value.

W. B. W.

In two volumes entitled *The Sequel to Catholic Emancipation* (London: Longmans, 1915), which complete the series of histories of the Roman Catholic church in England under the later vicars apostolic from 1780 to the re-establishment of the hierarchy in 1850, Monsignor Ward's fairness of judgement and moderation of language are not less noteworthy than in the earlier instalments of his work. After a full account of the dispute between Bishop Baines and the Benedictines, which led to the bishop's foundation of a college at Prior Park, once the residence of Ralph Allen, he points out how important a restoration of the hierarchy was felt to be, especially in view of the system of private

nomination to the apostolic vicariate. For a time the agitation for its attainment was rendered fruitless through misunderstandings with Rome, where little allowance was made for the conditions under which the clergy worked, and they were regarded as inactive, a view shared by Wiseman, then rector of the English college at Rome, on his coming here in 1835. The powerful influence exercised on the history of Roman Catholicism in England by Pugin's revival of Gothic architecture and the practices and devotional ideas of medieval England is recognized in two chapters devoted to his life and early work and in many subsequent notices of his struggle to uphold his theories, first against those who clung to long-established customs, and later against a new party in the church which desired to bring its religious observances and art into fuller conformity to Roman use. This party was mainly composed of converts who had been associated with the 'Oxford Movement'. Of this movement Monsignor Ward finds something fresh to tell us concerning the opinion of hereditary catholics as to the position of the so-called 'Puseyites'. Among the subjects of dispute between the new converts and the older catholics was Faber's *Lives of the Saints*, and the correspondence relating to the suspension of the series well illustrates the difference of feeling between the two parties, which is further exemplified by controversies concerning rood-screens and other matters. Wiseman, who, whether resident in Rome or in England, took a prominent part in all the more important affairs of the church here, did much towards ridding English catholicism of a certain insularity of character and narrowness of devotion and bringing it into fuller accord with the Romanism of the Continent. While, as Monsignor Ward notes, he made some mistakes, the most serious of them perhaps being the flourish of trumpets with which he announced the restoration of the hierarchy and his own elevation, these volumes show that his ability in affairs and his courage in the face of opposition were not less remarkable than his learning. The passing of the old order in the Roman Catholic church in England may be dated from the death of Bishop Griffiths in 1847, when the imminence of change was signified by the appointment of Wiseman as pro-vicar of the London district; but the beginning of the new order, the establishment of a diocesan episcopate, was delayed first by difficulties of arrangement and then by the revolt of Rome and the flight of the pope to Gaeta.

W. H.

In his *Millard Fillmore* (Ithaca, New York : Andrus & Church, 1915) Mr. W. E. Griffis claims for President Fillmore a much more important place in American history than common opinion has assigned him. Great events certainly happened during Fillmore's tenure of office, particularly the expedition of Commodore Perry to Japan in 1852, and it is no doubt true that the son of a frontier farmer would not have risen to the vice-presidency (Fillmore became president owing to the death of General Taylor while in office) had he not possessed real merit. But, though Mr. Griffis claims to have constructed his story from an immense mass of published and unpublished material, he has not produced any evidence to change the generally-received opinion that Fillmore was one of the

lesser figures in the distinguished line of American presidents. The book sadly needs revision in point of style and for the correction of misprints.

E. A. B.

In view of the secrecy of necessity attaching to the proceedings of the British cabinet, it is interesting to find the statement that, in 1862, the proposal of the emperor of the French to recognize the Southern Confederacy was only defeated by a vote of seven to six in the British cabinet directly contradicted in a letter from Lord Granville, dated 10 April 1887, which is published in the *Proceedings of the Massachusetts Historical Society*, November 1915.

H. E. E.

Studies in Southern History and Politics (New York: Columbia University Press, 1914) form a collection of papers inscribed to Professor Dunning by a group of his former pupils on the occasion of his attaining the presidency of the American Historical Association. Most of them relate to the negro problem in some one of its many aspects, for the negro problem has in fact been the core of Southern history. Mr. W. L. Fleming discusses the causes for the existence and the failure of the colonization solution of the race problem. Mr. J. G. Hamilton contributes a study of the Southern legislation on freed men, 1865-6—the 'Black Codes'. 'They seem', he concludes, 'not only to have been on the whole reasonable, temperate, and kindly; but in the main necessary', and they were in fact much misrepresented in the North. Mr. E. C. Woolley, in a chapter on Grant's southern policy, and Mr. W. W. Davis in one on the Federal Enforcement Acts, throw light on the breakdown of the Republican reconstruction policy. Four chapters, in which there is some overlapping, treat of the position of the negro since the recovery of home rule by the South. In an interesting examination of the suffrage question, Mr. W. Roy Smith shows by what methods the negro has been excluded from the exercise of this right. He takes the view that 'the pendulum will swing in the other direction, and a steadily increasing number of negroes, who are qualified by intelligence and character, will be readmitted to the voting ranks'. Mr. Holland Thompson's chapter on the new South, economic and social, deals with familiar matter, but it provides information, which, if not political and historical, is important in supplementing the other studies. There are three contributions relating to the political ideas of the South. Mr. E. E. Merriam contributes a useful study of Calhoun's political philosophy. It is difficult to understand why this chapter is placed nearly at the end of the volume. Mr. V. B. Phillips surveys the pamphlet literature on the question of secession, and Mr. W. T. Thomas writes interestingly on Southern political theories, though, as he observes, 'there are few, if any, political theories peculiar to the South'. In a chapter on the frontier and secession, Mr. C. W. Ramsdell shows how the attitude of Texas to secession was affected by the neglect of the federal government to provide adequate protection for frontier settlers against the Indians. Mr. C. M. Thompson deals with the 'carpet-baggers' in the United States senate. Membership of the senate was the great prize these men had in view, but it appears that neither

individually nor collectively did they count for much in national politics. As a whole these studies form a useful contribution to the history of the South, for all of them help to elucidate, and several throw a valuable light on aspects of its history, though unfortunately co-operative historical work is seldom a success on the literary side. E. A. B.

Considering the part played by science and the engineer in the development of the British Empire, Mr. L. J. Burke is fully justified in his title *Sandford Fleming, Empire Builder* (London: Milford, 1915). The chapters on the Intercolonial and Canadian Pacific Railways and on Sandford Fleming's labours in connexion with the Pacific Cable and the 'All-Red' line will be read with interest; but a biography written in the lifetime of its subject is rarely a satisfactory form of literature. The account of Sandford Fleming's diplomatic mission to Honolulu and of the attempt to annex Necker Island for the purposes of the cable is singularly characteristic both of the vigorous enterprise of the British individual and of the *vis inertiae* of Downing Street with which he is liable to be confronted. H. E. E.

More than nine years ago we took pleasure in commending the *Historical and Modern Atlas of the British Empire* published at a low price by Messrs. C. Grant Robertson and J. G. Bartholomew (*ante*, xxi. 612). To the same competent hands we are now indebted for *An Historical Atlas of Modern Europe from 1789 to 1914* (London: Milford, 1915), in which, quite properly in view of their previous publication, the British Empire takes a secondary place. The book is designed for popular reference and the maps are boldly, even crudely, coloured. In a first edition some oversights are inevitable. For example, the map of the Balkan peninsula '1856-1878' gives the political divisions of 1878, as does the following map; and in the latter the colours for Greece and Turkey are almost indistinguishable. The next map, dated '1914', gives the successive Greek boundaries wrongly. The introduction contains a narrative of geographical changes which is usually trustworthy; it is however too discursive, and contains a great deal of unnecessary matter. For a book of this sort a copious analytical table of contents would be really more serviceable. N.

In *The Balkans; A History of Bulgaria, Serbia, Greece, Rumania, Turkey* (Oxford: Clarendon Press, 1915) the political histories of the five chief Balkan powers are traced by four writers working independently, each of whom is personally acquainted with the country which he treats. As the publication is intended to supply opportune information at the present crisis, it is natural that nearly one-half of the work should be concerned with the last fifty years. Mr. D. G. Hogarth's short contribution is a miracle of condensation, and is more instructive on the conditions and weaknesses of the Ottoman empire than many longer disquisitions. Nothing could be better than his account of the revival under Mahmud. The history of Rumania is perhaps less known to the general western reader than that of Serbia or of Bulgaria, and Mr. D. Mitrany brings out its essential points with considerable success. He does not mislead the reader into supposing

that the ancestors of the Rumanians were 'Roman' colonists; he makes it clear that they were Romanized Dacians or Illyrians. It may be noted that he explicitly declines to discuss the question of the large minority of the Rumanian population which consists of unenfranchised Jews. Mr. A. J. Toynbee's story of the fortunes of Greece is scholarly and spirited. As the question of the extent of Slavonic influence in Greece is one of general interest, he might have been more precise in his statement as to the date of the beginning of the Slavonic settlements. From what he says (p. 168) the reader would infer that the first settlements were not made before the early part of the seventh century. But we have the clear evidence of a contemporary writer that the occupation of Greece began in the eighties of the sixth century. Remarks on pp. 168 and 179 seem to imply that little more than one-third of the topographical names of Greece is Hellenic: is not this an exaggeration? Mr. Nevill Forbes writes with wide knowledge on both Serbia and Bulgaria and his story of Serbia is particularly good. He has hardly emphasized sufficiently the anti-Russian feeling which has grown in Bulgaria in recent years largely under the influence of the court, and the tendency to discard the old idea of Slavonic brotherhood. His remark (p. 77) that the real guilt for the outbreak of the second Balkan war 'is to be found neither in Sofia nor in Belgrade, but in Vienna and Budapest', is hardly judicial. It is difficult to see how it can be maintained that the Bulgarian Tsar and General Savov were not guilty in the fullest sense. One is surprised to find that not a word is said of the moral responsibility, demonstrated by all the circumstances of the case, of Prince Ferdinand for the death of Stambulov. Brief as his sketch of early Bulgarian history necessarily is, Mr. Forbes should not have omitted to mention the palace of the old Khans at Abova, the most interesting archaeological site in Bulgaria. He records the foundation of the later capital at Preslav, but mistakes its geographical position. It is not 'between Varna and Silistria', but near Kachalar, west of Shumla. J. B. B.

Dr. P. J. Blok, Professor of Dutch History at Leyden, has completed the second edition of his *Geschiedenis van het Nederlandsche Volk*, which he has continued down to last year (Leyden: Sijthoff [1915]). The merits of the book have been long appreciated: it is the fruit of hard, plodding work, full of facts related in a rather dull and tedious way and without any mark of distinction. In the eight handy volumes of the old edition the excessive length of the sentences made it not easy reading: in the new edition, which consists of four ponderous volumes of more than 2,700 closely packed pages in imperial octavo, it is no longer a book to read; it has become a work of reference. Even for this purpose the author's unconcealed political sympathies make him an insecure guide for the study of recent times. But, whatever may be thought of his interpretation, he gives the facts in some shape, and they can be extracted by the diligent. The appendixes on the authorities, though not bibliographically satisfactory, are very ample; and the maps are excellent. O.

In *Belgian Democracy, its early History*, by Professor Henri Pirenne (1915), the Manchester University Press has given us a translation of

a book which originally appeared at Paris in 1910 under the title of *Les anciennes démocraties des Pays-Bas*. As by that time the earlier volumes of his magnificent Belgian history had been twice worked over by their author, students of M. Pirenne will not expect to find novel conclusions in the body of the book. They will find, as they knew they would find, the whole political and economic life of the Belgian urban democracies illustrated and criticized with a rare mastery both of scholarship and of exposition. Those who do not know the Belgian history have here, in a little book of 250 pages, one of the great chapters in the story of European civilization told as no one else could tell it. The preface is dated Ghent, February 1915. 'I cannot but express my profound conviction', writes M. Pirenne, 'that the vitality which the towns of Belgium have hitherto shown in all stages of their history is a certain proof that they will assuredly renew their strength, even after the terrible disasters of which they have recently become the victims. May the English speaking public extend to their early history a little of the sympathy which it is lavishing on their present misfortunes.'

J. H. C.

Dr. L. H. Holt's *Introduction to the Study of Government* (New York: Macmillan, 1915) is not a general treatise on political science, but an attempt 'to set forth general principles of government and to show how these general principles are modified in practice by particular states'. It includes an account of the various branches of internal government, of methods of election and political parties, of local government and government of dependencies, of the functions of government, whether 'necessary' or 'optional'. Each chapter is followed by lists of statistics, extracts from judicial decisions and treaties, or constitutional laws, designed as illustrations for the text preceding. The author is certainly right in attaching special importance to this feature, both because, as he justly remarks, such illustrations produce a far more definite impression than unsupported generalities, and because his collection includes, besides much that is common to all constitutional text-books, several extracts with which the English reader will not so easily meet (such as the examples of provisions for the referendum, treaties illustrating spheres of influence, or the decision in the insular cases given by the Supreme Court of the United States in 1901). Dr. Holt only describes things as they are in the several countries: he excludes all historical account how they became what they are, and he abstains nearly throughout from expressing any preferences on disputed points of theory. He has compiled a useful text-book. P. V. M. B.

Professor C. H. Firth has shown before how much light is thrown on history by contemporary ballads, and we have now from his hand *An American Garland, being a Collection of Ballads relating to America 1563-1759* (Oxford: Blackwell, 1915). The twenty-five ballads selected are preceded by an introduction, in which the editor treats of the most famous collections of ballads and of the different phases in the history of England's relations with the American colonies which especially appealed to the ballad-writer. 'Few though the ballads are,' he says, 'they do serve to show what the English populace and those who wrote for

the popular taste thought about America at different periods during about two hundred years.' The voyages of Stukeley and Sir Humphrey Gilbert, the scheme for the colonization of Virginia, the emigration of religious malcontents (treated generally with ridicule), the kidnapping of unwilling colonists, the transportation of offenders, the visit to England of four 'Indian kings' in 1710, the conquest of French Canada—such are the topics which our ballads reflect. The editor's notes are chiefly confined to information about the history of the ballads selected. Here and there one would have been glad of some further elucidation of the text, such as Mr. Firth is so specially qualified to supply, e.g. on 'War-cham's miracles' (p. 30), 'Isaak before shall carry the Mace' (p. 31), 'Fritazier', 'A Spark without peradventure' (p. 42), 'Master Guy' (p. 51) (no doubt a different man from John Guy of Bristol who was governor of Newfoundland). It is not pointed out that the last stanza on p. 16 lacks its sixth line in Mr. Brown's transcript, and consequently in the present text. On p. 41, 'And pretend [to feel] inspiration', it would have been simpler, and we think more satisfactory, to have completed the line 'And pretend [to] inspiration'. In the first stanza on p. 65, 'Of their being truly great' should perhaps be 'Of your being truly great', and at the bottom of p. 69 'For soon' should perhaps be 'Full soon'. On p. xxvii the date '1767' is a misprint for '1677', and on p. 86, bottom, '1622' should apparently be '1662'. We regret that the publisher has thought it necessary to deface the title-page of the copy sent out for review.

G. C. M. S.

In his *Promotion of Learning in India* (London: Longmans, 1915) Mr. Narendra Nath Law supplies us with a comprehensive sketch of the first attempts made by Europeans to provide suitable education for the children of their dependants, whether domiciled Europeans, Christians of mixed race, or Indian converts to Christianity. The Portuguese indeed, as Mr. Law shows us, went further, establishing colleges for the training of priests, whilst in some cases, e.g. their college at Virapatnam, they required that every pupil should be taught a mechanical trade. On the whole, however, the schools established by Europeans in India before the year 1800 hardly ever seem to have passed beyond what would now be called the primary standard. Under the circumstances, matter for record is naturally slight; but without such a *résumé* as Mr. Law's of the state of western schools in India at the end of the eighteenth century it is not easy to appreciate the immense strides which have since been taken, not merely in the provision of the education necessary for Christians, European or native, but also in the development of a national system of education for all the youth of the country without distinction of race, caste, or religion. Much credit is due to Mr. Law both for the care which he has taken in collecting and collating his facts and for the lucid and interesting manner in which he has presented them to his readers.

S. C. H.

An excellent type of local publication is offered by a group of Norman scholars in the first volume of a series of *Études Lexoviennes* (Caen: Jouan, 1915). The six studies which make up the volume comprise

essays on Gallo-Roman Lisieux, by R. Lantier; the surrender of the city to Charles VII in 1449, by Jean Lesquier; the religious troubles of 1562, by R. N. Sauvage; the *taille proportionnelle* of 1717, by G. Besnier; Lisieux under Louis XVI, by A. Moisy; and the local *cahiers* of 1789, by R. Quéru. The three last-named studies in particular are developed with fullness and with free use of unpublished material from national and local archives, among which the municipal archives of Lisieux are represented much more adequately than in earlier publications. The omission of any treatment of the medieval period is doubtless due neither to accident nor lack of interest, but to the almost complete disappearance of the older records of the bishopric and cathedral. C. H. H.

The *Chetham Miscellanies*, new series, vol. iii (Manchester, 1915), contain three articles: documents relating to the plague in Manchester, 1605, which are chiefly constables' accounts and rate-books of the day, and only cast incidental, though instructive, light upon the epidemic; a very full survey of the manor of Penwortham in 1570; and lastly a list of those who attended the visitation of Nicholas Stratford, bishop of Chester, in 1691. This is valuable as evidence of the breakdown of the visitation system. Unfortunately the editor has rearranged the list, and presents it in alphabetical form instead of its original shape, which was by deaneries. He thus makes it very difficult to learn its lessons, and he has not aided the student by any tables of his own. It is clear, however, that the visitation was a failure. Of clergy, beneficed and licensed, parish clerks, schoolmasters, medical men and midwives, all of whom were bound to appear and produce their licence or other authority, only some 650 appeared for all the great diocese which included Cheshire, Lancashire, much of the north of Yorkshire, and the southern halves of Cumberland and Westmorland. Distance must have been an obstacle; there were but eleven centres of visitation, and Whitehaven was summoned to Kendal. But even so, little respect was shown to the bishop. The attendance of clergy was much smaller than at a modern visitation; of physicians and surgeons but twenty-seven appeared; though the smaller towns must often have resorted to apothecaries, only one of those practitioners presented his licence. No medical man appeared from Manchester or Preston; on the other hand, from Lancaster the only attendance was that of a physician and a lay schoolmaster. In fact, had not a certain number of energetic clergy brought with them a complete following, including the village midwife, the reckoning would have been pitiful. The class of perpetual deacons, who were also elementary schoolmasters, extended far beyond the Lake District, with which it is usually associated. Three clergy presented letters of orders conferred in 1660 or 1661 by the bishop of Whithern. In one case it is specified that the ordination was at Westminster. In the scramble of Puritans hastening to qualify themselves to retain or receive benefices it is no wonder that there was some irregularity. E. W. W.

Dr. Andrew Clark is fortunate in being able to publish for the Early English Text Society (1914) a collection of *Lincoln Diocesan Documents*,

seventy-six in number and dated from 1450 to 1544. They were for the most part selected by the late Dr. Furnivall, to whom Dr. Clark is a worthy successor. His grammatical introduction and indices are a valuable contribution to the study of our language. Among the documents are thirty-seven wills, of which both the Latin and English portions are printed. They range from those of noblemen to those of copyholders, and are full of detailed interest. Dr. Clark's assistance is valuable for their interpretation, and he leaves few points unexplained; but when Sir Thomas Cumberworth in 1451 makes a bequest to 'my lord of Santasse', we may assume that the bishop of Saintes is the recipient rather than, as Dr. Clark suggests, an unidentified abbot. The testator had been an active official under Henry V, and is probably requiring some favour from a French prelate. The religious legacies of Sir Thomas were so widely distributed that, though the total was large, no single sum exceeded £5. Every canon, monk, nun, friar, and priest in Lincoln and Lindsey had sevenpence, and in return for this three masses were desired from those qualified to say them. The remuneration was very moderate. There are eight leases of Lincoln prebends, enrolled in the bishop's register in evidence of his assent. Only one appears to be at a rent equivalent to the value of the estate. The rest seem to be of the class which survived at St. Paul's, as elsewhere, till the days of Sydney Smith; but the consideration for which the lease was granted at an almost nominal rent is not specified. Except in the cases where the lessee was obviously a relation of the lessor it was doubtless substantial. Various proceedings in the archdeacons' courts are given, which Dr. Clark illustrates from Elizabethan records in Essex. In these he finds a frequent commutation of penalties, which he explains by the poverty of the church in the sixteenth century. But plenty of cases might be cited of the same kind before the Reformation. Among miscellaneous documents are several vows of widowhood and the institution of several chantries, temporary or perpetual, the average stipend, without board, being £5. There are two cases of proceedings against heretics, one duly recorded by Stubbs in the Report of the Ecclesiastical Courts Commission, and the other, which falls outside the period which he examines, omitted by Foxe. There are some interesting cases concerning benefices. Henry VI gives to Bruerne Abbey the advowson of Wootton, Oxon., with leave to appropriate, stipulating for an annual payment to the crown out of the appropriated income. A prebendary of Lincoln in 1536 grants a lease of his estate, which is a rectory, on condition *inter alia* that the lessee shall find sufficient priests at his own expense to the satisfaction of the bishop and archdeacon. The lease is for forty years, and no stipend is assigned. But perhaps the most important documents are those in which Bishop Longland takes steps for the general acceptance of the royal supremacy and for the publication of other decrees of Henry VIII. Finally, the bishop has had entered in his register a letter, of no diocesan concern, which describes the burning of heretics at Paris in 1535.

E. W. W.

The hand-list of *Scandinavian Names and Hundred Courts and Mote Hills in Norfolk* (Norwich: Roberts, 1916), by the veteran Mr. Walter

Rye, contains some useful information, but requires to be used with a considerable admixture of criticism. Mr. Rye believes in a pre-Roman Scandinavian settlement in Norfolk (and elsewhere), apparently on the theory that the first syllable in Branodunum is Norse. A large part of his long list of Scandinavian personal and place names in Norfolk is vitiated by the same readiness to accept superficial resemblance as proof of identity. The list will be helpful to a student who has Björkman's *Nordische Personennamen in England* and Lindkvist's *Middle English Place-Names of Scandinavian Origin* at hand, but can only mislead the reader who comes to it without guidance.

J. T.

A resolution of the Surtees Society passed in 1902 is now fulfilled by the appearance of *The Register of the Priory of St. Bees* (London: Quaritch, 1915), edited by Dr. James Wilson. The original, now in the Harleian collection, was compiled towards the end of the fifteenth century, and the scribe deserves praise that he did not omit the names of the witnesses, as in the Newminster Cartulary and many others. The society may be congratulated on better paper and print than in past years and on securing the best of editors. Dr. Wilson has enriched the volume with many excellent notes and with an appendix of 106 supplementary documents, many of them from private muniment rooms in Cumberland. He has also collected the more curious of the agricultural and manorial terms, and any student will find them printed in italics in the short general index. St. Bees was founded about 1125 as a cell of the abbey of St. Mary's at York, and its cartulary contains an unusually large proportion of early deeds, nearly a quarter of them being of the twelfth century. It is of the first importance for the history of western Cumberland; but unfortunately its value for the rest of England is small, partly because the possessions of the priory were not scattered in various counties, but were almost entirely within twelve miles of St. Bees; and partly because the knights who were enfeoffed in that part of England had few or no manors elsewhere. The editing is so good that there is no room for criticism; two suggestions only will be made. Dr. Wilson thinks it probable that the dedication festival of St. Bees was kept on the feast of St. Bega (p. v); but is it not the case that of late years the highest authorities tell us that we have had erroneous ideas about dedication festivals, and that in the middle ages the dedication festival of a church never coincided with the day of the patron saint? It was the one day on which it could not fall. Secondly, is the note on p. 108 quite correct? As the son of William Corbet and Dionisia his wife is called Richard de Boiville (p. 111), it is likely that Dionisia was a daughter of Godard de Boiville, and deed no. 77 is an ordinary instance of a man and wife confirming the grant of the wife's ancestor.

H. E. S.

Bamff Charters, A.D. 1232-1703 (London: Milford, 1915), being title-deeds and writs of a Perthshire estate, mainly out of its own charter chest, have been well transcribed, sometimes in full but usually a little abridged, by the Rev. Henry Paton, and are edited with obvious care by Sir James

H. Ramsay, the 'laird' now in possession, known with a wider distinction as author of the *Scholar's History of England*. His family began with Neis, physician of Alexander II, who granted the foundation charter in 1232. Annals of his descendants are not dislocated out of a common proportion by brilliancy of public service, and the charters derive their greater value from their illustration of the normal run of county life. The book is a glorified inventory of deeds with memoirs interjected. A desideratum would have been a map or plan as well as a chapter of local and topographical indications. The editor leaves undiscussed the organic status of the 'barony', which the opening charter states to have been carved out of the 'fief of Alyth'. It is a phrase that arouses question and makes more obvious the need for further fact about the barony, its jurisdiction and working, and the characteristics of population and tenure. The origin of the Scottish Ramsays is disposed of without reference either to Boece's statement that they came with St. Margaret, or to the Fraser chronicler's remark that under Alexander I a Ramsay was castellan of Elgin. Some slight slips have escaped notice: page vii, 'was' for 'were'; page 2, 1260 instead of 1160; page 80, a blank necessary after 'Silvestro Retray'. On page 36 the foot-note errs, as the fourth year of Boniface VIII was running in November 1487. Sir James's veteran hand shows no loss of its cunning when turned from the records of the kingdom to minor private archives, of which there are still two centuries to calendar. His handsome quarto of 300 documents, unedited until now, is a substantial enrichment of the available store of Scottish local muniments.

G. N.

Under the title of *The Mearns of Old* (Edinburgh: Hodge & Co., 1914), Mr. J. Crabb Watt has produced a stout and handsome volume dealing with the 'history of Kincardine from the earliest times to the seventeenth century'. In the preface it is explained that even the 400 pages of which the work consists represent only a small portion of the material which the writer, during a period of some thirty years, has collected to illustrate the history of his native district. In this volume the local knowledge thus accumulated forms a kind of background on which the changing fortunes of the Mearns are traced through the centuries. The prehistoric and early periods are treated at considerable length, and full accounts and lists are given of the antiquities of the county. Direct historical evidence for these periods is scanty, and there is naturally much speculative matter intermingled with the facts, but Mr. Crabb Watt is usually careful not to stray too far in this direction. In the section on the site of Mons Grampius (chap. v) he has perhaps made his furthest venture towards a final settling of the unknown. The chapters dealing with the later centuries contain much information relative to the church, the local officials, the castle and town (now non-existent) of Kincardine, and the domestic life of the 'men of the Mearns'. In the concluding chapter there is a summary of old local charters and some account of the succession to the leading estates. A prominent feature of the whole work is the constant endeavour to explain the place-names which occur in the narrative, and part ii (of over 100 pages) is entirely devoted to this subject.

It can hardly be said that the many problems which confront the student of Scottish place-names find much solution here, but the alphabetical list will have its value for other investigators; Mr. Crabb Watt wisely disclaims any special competence for dealing with the task. The consultation of his work for special points of history and archaeology is facilitated by the addition of a good index.

W. A. C.

The eleventh and twelfth volumes of the *Parish Register Society of Dublin for 1913 and 1915* (issued to subscribers) contain all the marriage entries down to 1800 from the registers of the parishes of St. Andrew, St. Anne, St. Audoen, St. Bride, St. Marie, St. Luke, St. Catherine, and St. Werburgh—all in Dublin. Though some of these are ancient parishes, there are no entries in these volumes earlier than 1627. The work is of course of interest mainly to genealogists, but two entries relating to persons who figure in Irish history may be noticed. On 21 July 1785 Theobald Wolfe Tone was married at St. Anne's to Martha Witherington by consistory licence (xi. 70). In his *Memoirs* Tone tells how when an undergraduate in Trinity College he fell in love with the daughter of William Witherington, and how 'one beautiful morning in the month of July [1785] we ran off together and were married'. In the years 1790-2 James Napper Tandy appears as one of the churchwardens of St. Bride's (xi. 178). At this time he was secretary of the Dublin branch of the Society of United Irishmen, and is said to have been carrying on a correspondence with French agents or politicians. The indexes, where we have tested them, are accurate.

G. H. O.

In the new volume of the valuable annual series of *Writings on American History*, compiled by Miss Grace G. Griffin (New Haven: Yale University Press, 1915), will be found an exhaustive bibliography of books and articles on United States and Canadian history, published during the year 1913.

H. E. E.

ADVERTISEMENT

In the number for July 1915, vol. xxx, p. 568, it was said that certain Spanish transcripts made by Mrs. Z. Nuttall 'were to be deposited pending their publication in the British Museum, but this has not been done'. We are asked to explain that the documents were in fact deposited there, but owing to unavoidable circumstances were not made available to students until some time later. It was Mrs. Z. Nuttall's erroneous statement, in a book published in 1914, that the transcripts 'are accessible for consultation' at the British Museum that should have been corrected.

We are indebted to Professor W. Alison Phillips for the information that the instructions drawn up by Castlereagh for his own use at the conference of Vienna in 1822 (see vol. xxx, p. 644, note 42, October 1915) are preserved in the Public Record Office, but have been accidentally bound up with the correspondence preliminary to the congress of Vienna in 1814 (Foreign Office, Continent, France 6).

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The Table of Veleia or the Lex Rubria

THERE is in some quarters what I cannot but regard as a regrettable tendency to label, with implications of approval or depreciation, particular views relating to ancient history as progressive or conservative. Where a view, of however long standing, depends on evidence, direct or indirect, which has not been successfully assailed, the conservative would seem also to be the scientific attitude. On the other hand, where existing evidence can be proved insufficient, or is counterbalanced by new, or admits of convincing reinterpretation, real progress may result from the substitution of new views for old. I am led to draw attention to the point by recent criticisms on the part of certain continental scholars directed against the Caesarian date and authorship of two famous documents, the Table of Heraclea and the Table of Veleia, generally believed till the last fifteen years or so to contain portions of the *lex Iulia municipalis* of 45 and the *lex Rubria* of 49 B. C. In connexion with the Table of Heraclea, I have already dealt in considerable detail with the hypotheses of Dr. Henri Legras,¹ who attempts to push back all its sections to the period of Sulla. As far as the Caesarian date is concerned, I have maintained the view generally accepted since Savigny and Mommsen, though I have rejected much of the latter's early conjecture as to the character and scope of the document, as well as all his later and unsettling changes of view. In the present paper I propose to discuss a somewhat similar attempt on the part of Mr. J. M. Nap to relegate the so-called *lex Rubria* back into Sulla's dictatorship.² In many respects this

¹ *Journal of Roman Studies*, iv. i. 65-110.

² Mr. Nap's discussion of the so-called *lex Rubria* is contained in *Themis*, 1913, no. 2, pp. 194-207. The article is entitled *Het iudicium legitimum in de Romeinsche wetgeving*. The first section, pp. 182 to 193, deals with the *lex Valeria* of 86 B. C. The

latter attempt to strike out a new path is more paradoxical, and deserves less serious consideration than that of Dr. Legras. But, as these progressive theories seem rather in the air across the water, and sometimes impress those who have not studied them carefully by their very audacity, it may be of interest and use to examine in a second instance the methods and reasoning in deference to which we are asked to accept these new and startling conclusions in place of those which have long held the field.

It will be convenient at the outset to summarize the salient points which it is necessary to bear in mind throughout the discussion of the law partly preserved on the Table of Veleia.³ (1) It is concerned with the province of Gallia Cisalpina; (2) at most only one-fifth of the whole is extant, since the tablet is numbered IV, and closes with the opening lines of a chapter; (3) the surviving portion deals exclusively with questions of judicial procedure in suits for *damnum infectum*, *pecunia certa credita*, and claims for other than money liabilities; (4) the judicial magistrates within the province are described as *IIviri IIIIviri praefectusve*; (5) the provincial communities are, like the Italian towns in the Table of Heraclea, *coloniae*, *municipia*, *praefecturae*, *fora*, *conciliabula*, though *vici* and *castella* are here added to the list; and (6) there is for certain cases and under certain conditions a *revocatio Romae* from the municipal jurisdiction.

Before directly approaching the question of date, it will be as well to recall the ground of Puchta's conjecture⁵ that the Table contains part of a *lex Rubria*, a title which Mr. Nap, in accordance with his own theory that it is a *lex data* of Sulla, is of course bound to reject. He indeed calls it a feeble conjecture which has no firmer basis than the fact that a *lex Rubria* happens to be mentioned in the inscription. It appears from the opening words of cap. xx, *a quo in Gallia Cisalpina damnei infectei ex formula restipularei satisve accipere volet*, and from the subsequent directions, that cases of *damnum infectum* were the subject of a *legitimum iudicium* in the province, constituted in accordance with the praetor's *formula*, and that in normal cases the municipal magistrate was competent to set up and conduct such a *iudicium*, the procedure adopted being no doubt that laid down in the praetorian edict. But, where the defendant absolutely refused to be party to a *stipulatio* or to give security, a special procedure, different from that adopted in such cases at Rome, is prescribed. Whereas in the praetor's court the matter would have been

subject is continued in the next year's *Themis*, where the *lex Cornelia* and the *lex Aebutia* are discussed.

³ Bruns, pp. 97 ff.

⁴ The fragmentary chapters xix and xxiii need not enter into the discussion.

⁵ *Kleine civilistische Schriften*, pp. 71, 518.

summarily dealt with by a *missio in possessionem*, in Gallia Cisalpina the magistrate is ordered to ignore the defendant's recusancy and to set up a *iudicium*, provided that, in appointing a *iudex*, he uses a specified form of words. Now within this form of words comes the clause: 'supposing that the defendant has refused to obey the decree of the magistrate, such decree being in accordance with the *lex Rubria* or the *plebiscitum* so entitled.' It seems a fair and even obvious inference from this that the *lex Rubria* was the general law regulating such points of procedure for Cisalpine Gaul. But, as the Table of Veleia is on the face of it part of such a general law, Puchta's suggestion that we have on the Table portions of this *lex Rubria*, so far from being a feeble conjecture, seems in the highest degree reasonable. When Mr. Nap objects that the same document could not possibly call itself at one time *haec lex*, and at another *lex Rubria*,⁶ the answer is that it does nothing of the kind. It always describes itself as *haec lex*, but, where it is to be referred to by a magistrate in a prescribed form of words, it obviously cannot be *haec lex*, and can only be designated by its proper title.

Mr. Nap, however, has another objection to identifying the *lex Rubria* with the law on the Table, viz. that the former was a *plebiscitum* or *lex rogata*, whereas he agrees with Mommsen's⁷ last pronouncement that the latter is a *lex data*. Of Mr. Nap's contention on this point, put forward at the outset on Mommsen's authority, though quite inconsistent with his reasoning, I shall have to speak later. But, as his view of the Table as a *lex data* was what mainly induced Mommsen to repudiate the title of *lex Rubria* as applied to it, I shall notice in a few words his revised account⁸ of the law so entitled. He can only suggest that it was a law, otherwise unknown, dealing with the subject of *damnum infectum*. But surely, when the *formula* for *damnum infectum* or for any other matter made the subject of a *legitimum iudicium* came into existence, it was not by means of legislation, but by the administrative act of the praetor, who introduced it into his *album* and perpetuated it by his edict. In falling back upon this shadowy *lex Rubria de damno infecto*, I venture to think that Mommsen forgot his own valuable suggestion, that the law on the Table of Veleia was intended to make the principles and details of procedure embodied in the praetorian edict applicable with modifications to the municipal courts of Gallia Cisalpina.

We come now to the question of date which Mr. Nap professes to reach by the retrogressive method of establishing a series of *termini ante quem*, until he comes to a point beyond which it is

⁶ *Themis*, p. 195.

⁷ *Juristische Schriften*, i. 193.

⁸ Mommsen's latest view on the subject is contained in the article on the *lex Municipii Tarentini*, *Juristische Schriften*, i, especially pp. 152 ff.

impossible to recede. In accordance with this plan it is successively argued that the date of the Table is anterior (1) to 49 B. C.; (2) to 59 B. C.; (3) to 66 B. C.; (4) to 81 B. C.; while (5) Mr. Nap undertakes to establish the point that the *lex Rubria*, referred to in the Table, is no other than the colonial law of that name passed in 123 or 122 B. C. by a colleague of C. Gracchus.⁹

I. The first of Mr. Nap's *termini ante quem* is the year 49 B. C. This is indeed a crucial date, because hitherto by very general consent the law has actually been assigned to this year, and the whole discussion might be concentrated on this point. Obviously the earlier dates in the scheme of retrogression fall to the ground if this is not convincingly established. As Mr. Nap, however, is content to rest his case for an earlier date than 49 B. C. on a single argument, I shall confine myself at this stage to its refutation, returning subsequently to a somewhat fuller examination of the questions involved. Mr. Nap bases his argument on the *Fragmentum Atestinum*, which mentions, as a dividing line in regard to judicial procedure, a law passed by L. Roscius on March 11. This Roscius is identified, beyond all doubt correctly, with the Roscius Fabatus known from Cicero to have been a praetor in 49 B. C., so that the date of the Fragment is fixed to this year. There is good reason to believe, as I shall show later, that the *lex Roscia* was the measure, referred to by Dio Cassius,¹⁰ which conferred the Roman citizenship upon the Transpadane communities of Gallia Cisalpina. Mr. Nap, however, ignoring this explanation, attributes to the law a far wider object and scope, which he makes no attempt to establish by evidence.¹¹ It must have been, he declares, a law conferring on Caesar the absolute power to make and unmake laws. In virtue of this empowering measure, Mr. Nap's argument proceeds, Caesar issued a *lex data*, of which the *Fragmentum Atestinum* is the sole surviving part, annexing Cisalpine Gaul to Italy, and presumably, though he is not explicit on this point, granting the Roman citizenship. It is from this point, therefore, the issue in 49 B. C. of Caesar's *lex data*, that Cisalpine Gaul ceased to be a province and became a part of Italy; but, since the Table of Veleia on the face of it belongs to a period in which it was still a province, its date is necessarily anterior to 49 B. C. Such is Mr. Nap's proof of his first *terminus ante quem*.

I fear that I must traverse every stage in it. (1) In the first place, there is no evidence for the view taken of the *lex Roscia*. It

⁹ *Op. cit.* p. 195.

¹⁰ xli. 36.

¹¹ The reference to Dio xli. 36 *ad fin.*, taken in its context, does not support Mr. Nap's view. The words πάντα γὰρ μετὰ ἀδείας ὅσα ἂν βουλευθῆ πράττειν οἱ ἐπετρέψῃ refer not to a law, but to a decree of the senate, and describe the military and not the political position of Caesar.

is indeed on general grounds unlikely that such powers were conferred on Caesar at this time, March 11 being before Pompey had left Italy, or Caesar had reached Rome. Besides, when he did reach Rome, *orat atque postulat (senatum) ut rempublicam secum administrent*, an attitude quite inconsistent with so extraordinary a position. It is true that with the dictatorship Caesar may have acquired the right of making (not of unmaking) laws, as Sulla had done (*ἐπὶ θέσει νόμων ὧν αὐτὸς δοκίμασειε*). But the dictatorship was not held till the end of the year, and then only for eleven days. (2) On the other hand, on the supposition that the *lex Roscia* was the enfranchising law of Dio Cassius, we can understand at once how it was a dividing-line between two juristic conditions of the province or of part of it. (3) Again, with regard to the Atestine Fragment, there is absolutely no indication in either of its two clauses which implies the incorporation of Cisalpine Gaul with Italy. The one and only novelty discoverable in it, and that obviously due to the *lex Roscia*, is that henceforth there is to be, under certain conditions not affecting suits commenced before the passing of the latter law, a *revocatio Romae* from the municipal courts.¹² It is hard to believe that Mr. Nap regards this as a proof that the country was becoming part of Italy, because this very *revocatio Romae* was an essential feature of the Table of Veleia, which on the face of it belongs to the period when Cisalpine Gaul was still a province. (4) As Mr. Nap's whole argument so obviously collapses if Cisalpine Gaul did not cease to be a province in 49 B. C., it is surprising that he did not make sure of his ground by reflecting on the known history of the country in the following years. Cisalpine Gaul was one of the provinces for which Caesar fixed the governors before his death; it was in accordance with these arrangements that Dec. Brutus took possession of it; and it was because he refused to exchange it with Antony that the latter began the civil war which culminated in the battle of Mutina. I strongly suspect that Mr. Nap has been misled by a passage of Strabo,¹³ in which, without specifying any date, he alludes to the conferment of the citizenship and the incorporation of Cisalpine Gaul with Italy in the same sentence: ὁψὲ δὲ ποτε, ἀφ' οὗ μετέδοσαν Ῥωμαῖοι τοῖς Ἰταλιώταις τὴν ἰσοπολιτείαν, ἔδοξε καὶ τοῖς ἐντὸς Ἑλλησπόντων Γαλάταις τὴν αὐτὴν ἀπονείμει τιμὴν, προσαγορεύσαι δὲ καὶ Ἰταλιώτας πάντας καὶ Ῥωμαίους. If we had no other information, this might be ambiguous, but the known facts show that two different events are referred to, and Dio Cassius¹⁴ clearly refers the absorption of the province in Italy to the time of Octavian, and apparently to 42

¹² The clause declares: 'It is not provided by this law that *revocatio Romae* shall be required in suits begun before *Ilviri* (of Latin towns) prior to the *lex Roscia*.'

¹³ v. 210.

¹⁴ xlviii. 12.

or 41 B.C. : ἐκ τῆς Γαλατίας τῆς Τογάτης, ἣ καὶ ἐς τὸν τῆς Ἰταλίας ἤδη νομόν, ὥστε μηδένα ἄλλον προφάσει τῆς ἐνταῦθα ἀρχῆς στρατιώτας ἐντὸς τῶν Ἄλπεων τρέφειν, ἐσεγγράπτο.

II. Having thus argued that the Table of Veleia must be earlier in date than 49 B.C., Mr. Nap proceeds to show¹⁵ that it must also be anterior to the passing of the *lex Iulia agraria* of 59 B.C. His arguments are two. (1) The *lex agraria* of 59 B.C., as appears from the third of its three extant chapters,¹⁶ provided for the appointment of a *curator* with certain judicial functions in *coloniae*, *municipia*, *praefecturae*, &c., and as the Table of Veleia, which is also concerned with the same classes of towns, makes no reference whatever to any such *curator*, it is impossible to suppose that it was passed later than 59 B.C. Whether this *argumentum e silentio* is a sound or an unsound one depends on considerations into which Mr. Nap does not think it necessary to enter. A reference to the chapter of the *lex Iulia* shows that in colonies planted or *municipia* and *praefecturae* 'constituted' by the law the commissioners had to fix the boundary marks within the land of the community, and that any person removing such boundaries was liable to a fine of 5,000 sesterces. The official who in such cases had *iuris dictio*, *reciperatorum datio* and *addictio* was the *curator qui hac lege erit*, or, in the absence of such *curator*, the ordinary judicial magistrate. It appears therefore that this *curator* established by the *lex Iulia* was an official wholly concerned with jurisdiction in agrarian matters, and, as all the extant portions of the Table of Veleia deal with matters other than agrarian, we should hardly expect to find such an official alluded to, even if the Table was later than the *lex agraria* of 59 B.C.

(2) But what Mr. Nap regards as a more important argument is that, if the law on the Table of Veleia had been later than 59 B.C., it must have made some reference to the general colonial law passed in that year, viz. the *lex Iulia agraria*. The *lex coloniae Iuliae Genetivae* of 44 B.C. does make such reference in cap. 97, and even incorporates in cap. 104 one of the clauses of this general law. The Table of Veleia on the contrary, so far as it bases any of its directions on an earlier law, refers to a *lex Rubria*, which is to be identified with the colonial law of 123 or 122 B.C. This argument, therefore, like the previous one, is very largely an *argumentum e silentio*. Now not only are there several serious misconceptions involved in this way of presenting the case, but, as an argument to prove the Table of Veleia anterior to 59 B.C., it involves at more than one point a *petitio principii*. The *lex Iulia agraria* was a general colonial law only in the sense that an indefinite number of colonies were to be founded under its provisions, in addition probably to a few which were specified.

¹⁵ *Op. cit.* pp. 197 ff.

¹⁶ Bruns, p. 96.

Beyond this we may, I think, admit from the evidence of the surviving chapters and from cc. 97 and 104 of the *lex Ursonensis*, (a) that it laid down certain general directions for the *deductores* of colonies, at any rate for the agrarian arrangements to be incorporated in the colonial charters; and (b) that it in some way affected the *constitutio* of existing *municipia* and *praefecturae*. This last point seems to follow from the phrase, *qui hac lege . . . municipium praefecturam . . . constituerit*, but the precise meaning of this is uncertain, and it may quite possibly refer only to agrarian arrangements. At any rate, there is no indication that the provisions of the law were applicable to any colonies founded before its date, or that they had any reference to judicial matters or to the general government of colonies. It is hard to see, therefore, in what connexion the Table of Veleia, if passed later than 59 B. C., could be expected to refer to the *lex agraria* of that year, since it deals only with Gallia Cisalpina, and the colonies in that province were older than, and therefore outside the range of, Caesar's law. But it is far harder still to understand why such reference should be looked for in the extant chapters of the Table, concerned as they are exclusively with juristic questions. To find, indeed, any plausibility in Mr. Nap's line of argument at this point, it is necessary implicitly to assume three propositions: (a) that the scope of the *lex Iulia agraria* was not only the foundation of future colonies, but the government and constitution of all colonies both in Italy and in Gallia Cisalpina; (b) that the *lex Rubria* of 122 B. C. had been a law of precisely similar scope, and was still in operation when the law on the Table of Veleia was passed; and (c) that the law on the Table was a general *lex provinciae* for Cisalpine Gaul, and dealt with all its relations, juristic, agrarian, and constitutional. Of these propositions, (a) is assumed without discussion or citation of evidence; while for proposition (b) arguments (of the flimsiest character) are indeed adduced at a later stage, but as a step in the reasoning at the present point it is neither explained nor justified. But to rely on proposition (c) is to beg the whole question of date, since, if the Table contained the general *lex provinciae*, it of course goes back to the time of Sulla or earlier, a result which Mr. Nap professes to reach as the conclusion of a retrogressive concatenation of reasoning. The year 59 B. C. therefore, as a *terminus ante quem*, is a date in the air, and does not mark any real advance toward Mr. Nap's objective.

III. Even more imaginary and hypothetical is the next *terminus* in our retrogression. In 67 B. C., Mr. Nap points out,¹⁷ the Latin colonies are described by Suetonius¹⁸ as *de petenda civitate agentes*. From this he strangely infers that the *lex data*, drawn up by or for Sulla, had not given proper facilities to the Latin

¹⁷ *Op. cit.* pp. 198 ff.

¹⁸ *Iul.* 8.

citizens of the province to exercise their right of voting in the Roman *comitia* in some tribe assigned to them by lot. Discontent with this disability to vote in the *comitia* was the cause, according to Mr. Nap, of revolutionary agitation, and must, he argues, have led to a modification of the *lex data* in the interval between 67 and 65 B. C., by which this right was fully assured to the Cisalpini.¹⁹ What convinces him that the *lex data* must have been altered about 66 B. C. is the remark of Cicero written in July 65 B. C. : *videtur in suffragiis multum posse Gallia*.²⁰ This is taken to show that the Cisalpini were no longer subject to the disability complained of in 67 B. C. From 66 B. C. onward, the argument assumes, the *lex data* of the province would be the modified law of that year, and would necessarily contain some reference to the change then introduced. But the Table of Veleia, so far from dealing with the vital matters agitated about in 67 B. C., is concerned solely with *damnum infectum*, *condictio certi*, and the like, and this fact proves it to belong to the unmodified *lex data* anterior to 66 B. C.

Apart from more special objections to this remarkable line of argument, I would point out that the reasoning *e silentio* is singularly weak. The law admittedly occupied at least five tablets, and we have the contents of only one. How does Mr. Nap know that on one of the others there was no reference to this question of voting in the Roman *comitia*? Not only, therefore, is the supposed remodelling of the *lex data* a matter of pure conjecture, but the argument based upon it wholly collapses, since the extant fragment might equally belong to the revised or unrevised edition of the law. But the inference as to the need for modifying the *lex data*, drawn from the two passages of Suetonius and Cicero, is wholly fallacious, since they refer to two different sections of the Cisalpini. The inhabitants of the Latin colonies were not Roman citizens, but they were agitating, according to Suetonius, to obtain the citizenship. So far was the cause of this agitation from being removed by any step taken in 66 B. C., that in 65 B. C., within a month or two of Cicero's utterance, we find parties in Rome violently divided on the question of admitting or not admitting the Transpadani *εἰς τὴν πολιτείαν*.²¹ Whether the Latins of Cisalpine Gaul retained the old privilege of voting, when in Rome, in an allotted tribe, is uncertain, but at any rate their influence in the *comitia* would have been so small, that it would not have been worth a journey to Rome in order to exercise it. It is quite certain that Cicero's words do not imply that they did so exercise it. He is

¹⁹ Mr. Nap holds that, whenever our authorities speak of the 'Transpadani', they really mean the 'Cisalpini', i. e. the inhabitants of Cisalpine Gaul generally, since the legal position of Transpadani and Cispadani was identical. I have exposed the fallacy of this view in an article shortly to be published in the *Journal of Roman Studies*.

²⁰ *ad. Att.* i. 1. 2.

²¹ Dio Cass. xxxvii. 9.

alluding to a meditated canvassing tour in Cisalpine Gaul, where the voters to be canvassed would of course be found not in the Latin colonies spoken of by Suetonius, but in the important Roman colonies in the Cispadane part of the province, such as Mutina, Parma, Placentia, Bononia, and Cremona. I may add that, even if Mr. Nap's interpretation of Suetonius were correct, and if the Latin provincials had complained of their inability to vote in Rome, no modification of the *lex data* would have relieved them. The right of voting, as long as it existed, was part of the *ius Latii*, and these colonies possessed that status. If this particular right was no longer included in it, no *lex provinciae* could restore it; if it was, then its exercise was a mere matter of travelling expenses and personal convenience. From these considerations it is not, I think, unfair to assert that the argument concerned with the year 66 B. C. throws absolutely no light on the date of the Table of Veleia.

IV. But, having brought the Table back to the period prior to 66 B. C., Mr. Nap proceeds to argue from the legal procedure implied by it that it must also be anterior to the passing of the *lex Cornelia iudiciaria* of 81 B. C.²² In dealing with these points, I do not profess to be an expert in Roman law, and far less to have solved the many difficult problems presented by this much discussed document, but it seems to me that in more than one respect Mr. Nap has seriously misunderstood his authorities, or unjustifiably interpreted passages apart from their context, and it is the validity of his reasoning rather than the correctness of his law which I venture to impugn. The two chapters of the Table, with which this discussion is concerned, are xxi and xxii, the one dealing with claims for *pecunia certa credita*, the other with claims for services or obligations other than money.

With regard to the former (cap. xxi), Mr. Nap is no doubt right in maintaining that they were in Rome the subject of a *legitimum iudicium*,²³ dependent on a praetorian *formula*. Not only so; but he successfully shows that this *legitimum iudicium* was applicable in the municipal courts of Gallia Cisalpina. The words *ex iudiciis dateis iudicareve recte iusseis iure lege damnatus* prove the point, which is however clear enough without them. In normal cases, where the defendant took the ordinary course, the proceedings in Gallia Cisalpina would be the same as those in Rome, though after condemnation and *ductio* the debtor, if insolvent or obstinate, would have to be handed over to the praetor's court before *missio in possessionem* or *proscriptio* could be applied to him, since these were distinctly acts of *imperium*. Where, however, before the magistrate *in iure*, he confessed, but refused to pay, or refused to

²² *Op. cit.* pp. 200-4.

²³ See the passage from *pro Rosc. Com.* 4. 10, quoted below, pp. 362 f.

answer to the claim, or declined to enter into a *sponsio*, and in a word would not *se sponsione aut iudicio defendere*, judgement was to be given against him by default, and he was to be treated as *ex iudiciis dateis iudicareve recte iusseis iure lege damnatus*.

Mr. Nap argues that this chapter must be earlier than the *lex Cornelia iudiciaria* of 81 B.C., because in it claims are only made by way of *sponsio*, whereas the *lex Cornelia* allowed them equally to be made by way of *fidepromissio* and *fideiussio*. This argument rests upon a complete misunderstanding. (a) Claims made against the sureties of the defendant, whether they were *sponsores* or *fidepromissores* or *fideiussores*, would belong to the normal proceedings, which, as already pointed out, were not contained in this chapter, because they were blocked by the defendant's contumacy. Their omission, therefore, from this chapter is no proof whatever that at the time of this law *sponsio* was the only recognized form of surety in cases of *certa pecunia*. But (b) Mr. Nap entirely misapprehends the passage of Gaius, iii. 124, on which he relies. After pointing out in cap. 123 that a *lex Pompeia* had eased in certain respects the position of *sponsores* and *fidepromissores*, Gaius notices that *fideiussores* are not specified by the law; *sed beneficium legis Corneliae*, he goes on, *omnibus commune est; qua lege idem pro eodem apud eundem eodem anno vetatur in ampliozem summam obligari pecuniae creditae quam in XX milia*. The *lex Cornelia* therefore merely placed a limitation on the legal obligations of *sponsores*, *fidepromissores*, and *fideiussores*, and did not, as Mr. Nap asserts, for the first time allow claims for *pecunia certa* to be made through all three kinds of surety. (c) Apart, however, from this misunderstanding of the reference in Gaius to *fidepromissores* and the others, the *sponsio*, alluded to in cc. xxi and xxii, is clearly part of the actual procedure in the *iudicium* (or rather in the *in iure* preparation for it) and not surety for the money borrowed, i. e. the guarantee of a *sponsor*, which was of course a transaction antecedent to the trial. That the *sponsio* mentioned in these chapters is not the engagement of a surety, who has rendered himself liable to a summons, but a method of defence expected and required from the debtor in the course of the proceedings, is proved by the recurrence of the phrase *se sponsione et iudicio uti oportebit defendere*. It is in fact the *sponsio tertiae partis*, a mutual engagement between the parties, by which each agrees to risk the third part of the amount claimed in case of defeat. *Periculosa est actio certae creditae pecuniae propter sponsonem qua periculatur reus, si temere neget, et restipulationem qua periculatur actor, si non debitum petat.*²⁴ That this was in force in Cicero's time appears from *pro Rosc. Com.* 4. 10 *pecunia tibi debebatur certa, quae nunc petitur per*

²⁴ Gaius, iv. 13.

*iudicem, in qua legitimae partis sponsio facta est.*²⁵ We may therefore safely say that so far Mr. Nap has shown no reason for placing the Table of Veleia before the *lex Cornelia*. Indeed, underlying the line of argument just examined are two fatal objections to his view which he has overlooked. They are that neither a *legitimum iudicium* nor a *sponsio* was applicable except where all the parties concerned were Roman citizens. But it is certain that in Gallia Cisalpina at the date of the *lex Cornelia* Roman citizens were in a minority, being mainly confined to the colonies in the Cispadane region. The Table of Veleia, however, as Mr. Nap himself insists and as is obvious, treats all the communities in the province as on the same legal footing, and their inhabitants as being all equally capable of being parties to a *sponsio*, or playing the parts of claimant or defendant in a *legitimum iudicium*. These conditions, as will be shown later, were not realized earlier than 49 B. C.

Hitherto there has only been occasion to refer to cap. xxi of the Table, but Mr. Nap bases another series of arguments for the priority of the Table to the *lex Cornelia* on the internal evidence which he discovers in cap. xxii. His contention is that the *lex Cornelia* put actions for the recovery of debts or the enforcement of obligations not strictly pecuniary on the same footing, as regarded procedure, as suits for the recovery of *certa pecunia*, whereas a comparison of cc. xxi and xxii of the Table shows that the cases respectively dealt with are not on the same footing; that the directions given to the municipal magistrates are different; that the position of the defendant resulting from the absence of a proper defence is different in the two cases; and that, in a word, while cap. xxi implies the existence of a *legitimum iudicium*, cap. xxii implies some other basis for the procedure.

For his interpretation of the *lex Cornelia* Mr. Nap relies upon a continuation of the same passage of Gaius,²⁶ and again, as it appears to me, misapprehends its import. There seems no evidence that this law had so wide a range as to justify its citation as the *lex Cornelia iudiciaria*, but at any rate Gaius only deals with it under the section concerned with *sponsores, fidepromissores, and fideiussores*. After mentioning the limitation as to the amount for which they might render themselves liable as sureties for any one person, &c., Gaius proceeds :

Pecuniam autem creditam dicimus non solum eam quam credendi causa damus, sed omnem quam tunc, cum contrahitur obligatio, certum est debitum iri . . . appellatione autem pecuniae omnes res in ea lege significuntur; itaque si vinum vel frumentum, et si fundum vel hominem stipulemur, haec lex observanda est.

²⁵ Cf. *pro Rosc. Com.* 5. 14 *pecunia petita est certa, cuius tertia parte sponsio facta est.*

²⁶ iii. 124.

I should have thought it obvious that the provision of the law here cited lays down nothing in respect to the procedure to be adopted, or the *formula* to be employed in cases where money or money's worth are respectively claimed, but simply extends the limitation of liability, imposed on or conceded to sureties, to both kinds of action alike.

But, while a correct appreciation of the passage of Gaius disposes of the *lex Cornelia* as a *terminus ante quem* for determining the date of our Table, I am not disposed to let Mr. Nap's assertion pass unchallenged, that cc. xxi and xxii imply essentially different forms of procedure. If, indeed, the difference between the two sets of claims coincided with that between suits for *certa* and *incerta pecunia*, I should not, of course, deny that the procedure was different, for we know from Cicero, *pro Rosc. Com.* 4. 10, that in the one case there was a *iudicium*, resulting from the praetor's *formula*, and in the other an *arbitrium* emanating from his *imperium*. But the claims dealt with in cap. xxii did not technically fall under those for *incerta pecunia*, and yet on the other hand, while standing outside the strict *formula* for *certa pecunia*, they might nevertheless be claims for money's worth, capable of provisional specification as to amount, but requiring more elastic treatment, and probably reassessment of value. To these claims were not only applied the special limitation as to sureties fixed by the *lex Cornelia*, but an analogous, though naturally not identical, *formula* with a consequent *legitimum iudicium*.

That this *formula* and *iudicium* were in existence before Sulla's dictatorship is probable, but in any case there can be no question that the directions contained on the Table of Veleia presuppose them. For I entirely dispute Mr. Nap's assertion that any differences of phraseology in the two chapters or the difference in the treatment of the defendant in the one case and the other point to any essential difference of process, or show that the one implied a *legitimum iudicium*, and the other did not. As a matter of fact, neither chapter throws much light on the actual procedure, for the simple reason that they both deal with certain obstructions at the stage *in iure*, which prevented the actual process or *iudicium* from taking place at all, and then lay down a course to be adopted, which in these abnormal cases is a substitute for a *iudicium*, and not the result of one.

In both cases, i. e. in claims for *certa pecunia* and for matters, services, or restitutions other than *certa pecunia*, the defendant, who may or may not have already provided himself with a *sponsor* or *fidepromissor* or *fideiussor*, is summoned before the municipal magistrate *in iure*. But both chapters assume that there may be obstacles in the way of a *iudicium* being set up. In cap. xxi the assumed difficulty is: *sei eam pecuniam in iure dare*

oportere debereve se confessus erit . . . neque id quod confessus erit solvet satisve faciet. Precisely the same difficulty is assumed in cap. xxii, but it naturally has to be expressed somewhat differently : *sei eam rem . . . in iure . . . dare facere praestare restituere oportere, aut se debere eiusve eam rem esse, . . . confessus erit deixerit, neque de ea re satis utei oportebit faciet.* Again, cap. xxi goes on : *aut (sei) se sponsione iudiciove, utei oportebit, non defendet*, where the *sponsio tertiae partis* is assumed, as we have seen to be the case, to be part of the procedure for *certa pecunia*. On the other hand, cap. xxii puts it differently : *aut, sei sponsionem fieri oportebit, sponsionem non faciet, aut non restituet, neque iudicio utei oportebit se non defendet.* Both chapters therefore agree that the proper course is a *iudicium*, and both assume the *sponsio tertiae partis* where circumstances admit of it. In cases of *certa pecunia* they always do, and so *sponsione iudiciove* are coupled together ; in the other cases they may or may not. Where a commodity is in dispute, like a farm or a slave, its money value is provisionally assessable, and a third part may be staked in a *sponsio* ; but where it is some service that has to be rendered, a *sponsio* may obviously be out of place, so that the wording is modified : *sei sponsionem fieri oportebit.* Once more the two chapters proceed in almost identical terms, except in the matter of the *sponsio*, as already explained. Cap. xxi : *sei is ibei de ea re in iure non responderit, neque de ea re sponsionem faciet, neque iudicio, utei oportebit, se defendet* ; cap. xxii : *aut sei de ea re in iure nihil responderit, neque de ea re iudicio, utei oportebit, se defendet.* So far the two chapters seem to be on all fours ; in neither is the *iudicium* reached, but in both it is contemplated, and in both, from all that appears, as the result of a *formula*, though naturally this *formula* is not identical, when the conditions of the claim are different.

But as proving that cc. xxi and xxii put the two sets of claims on a different legal footing, and therefore belong to a law earlier than the *lex Cornelia*, Mr. Nap insists most strongly on the difference of treatment accorded to the contumacious defendant in the two cases. In both his refusal to make his confession effective, or to plead, or to make a *sponsio*, or to accept a *iudex* prevents a *iudicium* from being set up. Cap. xxi directs : *siremps res ius lex causaque . . . esto*, exactly as if the defendant *ex iudiciis dateis iudicareve recte iusseis iure lege damnatus esset*. I fully admit with Mr. Nap that the phrase is equivalent to condemnation in a *legitimum iudicium*, though it is not necessary to add the words 'at Rome', for the decision of a *legitimum iudicium*, wherever lawfully constituted, had the same binding force. On the other hand, cap. xxii directs : *siremps lex res ius causaque . . . esto*, exactly as if the defendant had adopted this

contumacious attitude *de ieiis rebus Romae apud praetorem*. . . . Mr. Nap regards this latter direction as proving, from the absence of the words *iure lege damnatus*, that the municipal court had not been a *legitimum iudicium*, and that the defendant is placed on an essentially different footing in the two cases.

It seems to me, on the contrary, that the defendant in cap. xxii is put in exactly the same position, though, owing to the different circumstances of the case, he is dealt with differently and by different authorities. Where *certa pecunia* is concerned, the only question for the *iudicium* is whether the specified sum is to be paid or not, and therefore not only may the maxim *confessus pro iudicato* be safely applied, but the magistrate is empowered to proceed himself to the seizure (*ductio*) of the condemned person. But from the silence of the law we must infer that he has no power beyond the *ductio*, and that therefore, in case of further obstinacy or insolvency, recourse may ultimately be had to the praetor for *missio in possessionem* and *proscriptio bonorum*. But in cases of money's worth or compensation for acts committed or omitted, the *iudicium* has more complicated decisions to make, and therefore the magistrate is not allowed himself to decide what the *iudicium* ought to have decided. Accordingly, the defendant is not treated by the municipal court as if he were *ex iudiciis dateis iudicareve recte iusseis iure lege damnatus*. But this is not to be explained, as Mr. Nap explains it, on the ground that there was no *legitimum iudicium* to adjudicate on such claims. It was rather due to the circumstance that no such *iudicium* had been held, and that the magistrate was not in this case, as in the other, allowed to dispense with it. Eventually the defendant in cap. xxii is put exactly on the same footing as the defendant in cap. xxi, and becomes as fully *iure lege damnatus*. But there has in the meantime to be a *revocatio Romae*, and it is the praetor and not the municipal magistrate who puts him in this position. For cap. xxii goes on: *praetorque isve quei de eis rebus Romae iure deicundo praerit in eum et in heredem eius de eis rebus omnibus ita ius deicito decernito, eosque duci, bona eorum possideri proscribere veneireque iubeto*. The praetor in this case, and not the magistrate, dispenses with the *legitimum iudicium*, but I submit that in doing so he treats the defendant as *ex iudiciis dateis iudicareve recte iusseis iure lege damnatus*, exactly as the municipal magistrate is allowed to treat the defendant in cap. xxi, though, unlike the magistrate, he can carry the proceedings to their final conclusion.

I hope that the preceding discussion will have made it clear (1) that there is no essential difference of procedure implied in cc. xxi and xxii, and (2) that, even if there were, the fact would not prove the Table of Veleia to be older than the *lex Cornelia*, since there is no evidence that, so far as procedure went, that law

made any change in actions for *certa pecunia*, or for claims in respect of liabilities other than money.

A brief notice will suffice of Mr. Nap's final attempt to prove from internal evidence the priority of the Table to the Sullan judicial legislation. It appears from *In Verrem*²⁷ that in 70 B. C. tribunician *intercessio* was not allowed to obstruct the praetor's civil jurisdiction, and Mr. Nap may be right, though I doubt it, in attributing the rule to Sulla's anti-democratic policy. At any rate, in the Table of Veleia, while there is no prohibition of *intercessio* in caps. xxi and xxii, the concluding words of cap. xx run: *neive quis magistratus prove magistratu neive quis pro quo imperio potestateve erit, intercedito neive aliud quid facito quo minus de ea re iudicium detur iudiceturve*. From this supposed unevenness of treatment Mr. Nap infers that, at the time when the law on the Table was passed, the principle of prohibiting *intercessio* was not yet established, and the prohibition only applied in isolated cases. A reference to the context of the provision shows that this argument is wholly irrelevant. The words quoted above are in strict continuation of what has preceded, and receive their explanation from it. The prescribed form of words to be used by the magistrate in appointing a *iudex* contains certain exemplary proper and place names, e. g. Licinius, Seius, Mutina, and it is regarded as conceivable that a case may be capriciously stopped by a magistrate or even by the proconsul on the ground that through some clerical error these fanciful names were employed instead of the actual ones. It is merely as a precaution against such a possible miscarriage of justice that the words in question are added. They have nothing to do with tribunician *intercessio*, and there was no necessity for them in the two following chapters.

V. I now come to Mr. Nap's somewhat audacious identification of the *lex Rubria* mentioned on the Table with the colonial law of that name passed by a colleague of C. Gracchus, an identification assumed, as we have seen, in the argument to prove the Table earlier than the *lex Iulia agraria*.²⁸ As to the *lex Rubria* of the Table, what appears on the surface is that it contained directions applicable to cases of *damnum infectum*, though, as we have seen, there is little to be said for Mommsen's latest view that it was confined to such cases. It may well have had a wider scope, and been, as Puchta held, a general law regulating judicial procedure for Gallia Cisalpina. Was it of still wider applicability, dealing not only with juristic, but with agrarian and constitutional relations for all Roman communities within the Italian peninsula? This is Mr. Nap's view, and he seeks to establish it by arguing that the *lex Rubria* of 122 B. C. was a wide and general law of this character.

²⁷ *In Verr.* 2. 1. 60, 155; 2. 2. 12, 30.

²⁸ *Op. cit.* pp. 204-7.

Now with regard to this latter law, one thing is certain, that in two out of the three passages, where the law of Rubrius is alluded to, it is in special connexion with the colony to be founded in 122 B.C. on the site of Carthage. Thus Plutarch says: 'Ρουβρίου τῶν συναρχόντων ἐνὸς οἰκίξεσθαι Καρχηδόνα γράψαντος';²⁹ while the *lex agraria* of 111 B.C. (l. 59) mentions a *lex Rubria* in connexion with land in Africa which had been assigned to colonists. But Mr. Nap refuses to accept this limitation of the law to the colony of Iunonia, and maintains that it was probably the law by which all the Gracchan colonies (Neptunia, Minervia, &c.) were authorized. To have passed a separate law for each colony, he argues, would have been useless repetition, and, as a matter of fact, we know that Livius Drusus in 122 B.C. and Caesar in 59 B.C. passed single laws providing generally for a number of colonies; in the former case for as many as twelve. This last point is of course true, and he might have added the law of Saturninus and the proposal of Rullus, though it is curious that he should include among general colonial laws the *lex agraria* of 111 B.C., which did not provide for the foundation of any colonies, but only for the confirmation in their lands of any colonists already sent out under previous laws. I will even furnish Mr. Nap with another point, *prima facie* perhaps in his favour. It is clear from the *lex Acilia* (l. 22) that in the beginning of 122 B.C. the only commissioners in existence under agrarian or colonial laws were the Gracchan *IIIvirei agreis dandeis adsignandeis* and those *quei l. Rubria IIIvirei col. ded. creati fuerant*. Mr. Nap may read in the latter phrase *coloniis deducendis*, and ask triumphantly where are the commissioners for the other colonies, if the *lex Rubria* only concerned Iunonia.

I draw attention to this question, though Mr. Nap does not himself put it, because the answer to it affects more laws than the *lex Rubria*. It seems to me clear from the *lex agraria* (especially ll. 3 and 22) that the foundation of the colonies in Italy belonged to the *IIIvirei agreis dandeis adsignandeis*, acting under the agrarian law of C. Gracchus. In l. 22 we have: *in quo agro loco IIIvir id oppidum coloniamve ex lege plebeive scito constituit deduxitve conlocavitve*. Almost as clearly in l. 3 it runs: *quem agrum locum quousque de eo agro loco ex lege plebeive scito IIIvir sortito* (i. e. as a colonist) *civei Romano dedit adsignavit*. Now, as the title *IIIvir* occurs repeatedly in the Italian part of the law without the amplification *agreis dandeis adsignandeis*, and yet, as the context shows, in connexion with the Gracchan law, which has in most cases just been mentioned, it is reasonable to assume the same connexion in these cases where colonies are concerned. Fortunately, however, we have one crucial passage proving beyond

²⁹ C. Gracch. 10.

a doubt that this is so. In l. 15, after the usual reference to the public land available in 133 B.C., we get the words: *eius agri IIIvir agreis dandeis adsignandeis ex lege plebeive scito sortito* (as a colonist) *quoi civei Romano agrum dedit adsignavit*. It follows from these passages that the *lex Rubria* and the commissioners acting under it had nothing to do with the colonies in Italy, which must have been provided for by the re-enacted and enlarged agrarian law of Caius, and founded by the *IIIvirei agreis dandeis adsignandeis* of that law.

Had then a general agrarian or colonial law to be supplemented by a special law for each particular colony, or would this, as Mr. Nap puts it, have been useless repetition? It must be remembered that the *lex Rubria* does not stand alone as a law providing for a particular colony. Mr. Nap declares that the *lex Iulia agraria* was the general law sanctioning all Caesarian colonies, and that it was applicable in Gallia Cisalpina. But even in the same year in which that general law was passed, a special *lex Vatinia* was required, as we know from Suetonius,³⁰ for the foundation of a colony at Comum. Again, Mr. Nap cites cap. 97 of the *lex Ursonensis*³¹ as proving that the colony was based upon the authorization of the general *lex Iulia*, but he omits all reference to the *lex Antonia* mentioned in cap. 104 of the same charter, where lands are spoken of as given and assigned to the colony *iussu C. Caesaris dictatoris . . . et lege Antonia*. A comparison of the two chapters shows that the *lex Iulia* provided generally that for all colonies founded on its authority some person should be appointed to distribute lands, and that he should be *ex officio a patronus* of the colony; while this particular colony was established by the *lex Antonia*, which among other things specified the lands to be distributed, and named the person to distribute them.

I think we should be safe in laying it down that no colony could be planted which had not been specifically provided for or sanctioned by a law, and that therefore a purely general colonial law, providing for the foundation of colonies, and even fixing their number, would, unless the names of the colonies were also specified, have to be supplemented by special laws for each of the colonies actually planted. It is probable, however, that most agrarian or colonial laws added to their general clauses, providing for colonies of a certain character, the specification and names of particular colonies, which might therefore be proceeded with at once without further legislation. I am especially led to this view by the proposal of Rullus, which was a general law for colonies, most of which were necessarily unspecified, since they were to be on purchased lands, the site of which was still

³⁰ *Iul.* 28.

³¹ *Bruns*, p. 122.

unknown. But we find from *de leg. agr.* ii. 35, 96 that one colony at least, viz. Capua, was specified, and that even such details as the number of colonists, the number of *decuriones*, and even the number of *pontifices* were specified in it. May we not equally assume that the general Gracchan law, whether it was, as I suggest, the re-enacted *lex agraria*, or a distinctly colonial law, specified certain colonies, including Tarentum, to be founded forthwith, and provided more vaguely for others each of which, when the site was settled, would require the authorization of a special law? Precisely in the same way the *lex Iulia agraria* of 59 B. C. no doubt specified Capua and perhaps other colonies, but not Comum, so that for the latter a special law, the *lex Vatinia*, was required.

The *lex Rubria*, therefore, was not the general colonial law, at least for Italian colonies.³² But even if it had been, why should this Gracchan colonial law have been referred to in what Mr. Nap regards as Sulla's *lex data* for Cisalpine Gaul, as a guide for magistrates in matters of civil procedure? Mr. Nap's answer seems to be that it was not only a law providing for the foundation of colonies, but also a law regulating the government of colonies, and regulating them so minutely as to cover the procedure in cases of *damnum infectum*. If this width of scope attributed to an agrarian or colonial law were regarded as applicable only to the constitutional, agrarian, or juristic relations within the colonies founded under its provisions, the conjecture, though very uncertain, might not be wholly inadmissible, and perhaps receives some support from the extant chapters of the *lex Iulia agraria*.³³ Mr. Nap, however, regards the *lex Rubria* as in operation for Gallia Cisalpina in Sulla's dictatorship, though he cannot pretend that there was or had been any design of founding new colonies there under its provisions. Nor can he deny that the colonies in Cisalpine Gaul had been founded long before the passing of the *lex Rubria*, and it therefore follows that that law could only have been applicable to the government and juristic arrangements in that country, if we adopt the wholly gratuitous supposition that Gracchus caused the law to be retrospective, and even made it equivalent to a general municipal law, affecting not only existing colonies, but, as cap. xx of the Table shows, *municipia* and *praefecturae* as well.

But it is hardly surprising that Mr. Nap is imperturbable in the

³² I do not deny that the *lex Rubria* may possibly have been a general law for transmarine colonies, though specifying only Iunonia. Sallust (*Iug.* 42) speaks of Gracchus as *triumvir coloniis deducendis*, while the *lex agraria* (l. 59) has *Illivirei coloniae deducendae*, but the words almost immediately following, *in coloniam coloniasve deduci*, perhaps make the scope of the law doubtful. It is not necessary to discuss the point, as the operation of the law was cut short by its repeal. See below, pp. 371 f.

³³ Bruns, p. 96.

face of these difficulties, when we find him extending the operation of the *lex Rubria* to the arrangements of *civitates foederatae* in the eastern provinces. He has no hesitation in identifying it with a 'law of Rubrius and Acilius' mentioned on a Greek inscription belonging to the year 105 B. C.³⁴ The inscription contains part of an *aequum foedus* made in that year with Astypalaia, and the *foedus* is preceded by a decree of the senate. The decree speaks of the renewal of friendship and alliance between Rome and Astypalaia, and among other things directs that the Astypalaean envoy shall receive at the hands of the quaestor, on the instructions of the consul, *ξένια* and permission to sacrifice on the Capitol *κατὰ τὸν νόμον τὸν 'Ρουβρίου καὶ 'Ακιλίου*. I do not pretend to follow Mr. Nap into the reasoning which convinces him that there was a colony at Astypalaia and land purchased by Rome, and that the sacrifice on the Capitol was in some way symbolic of this. It is possible that my translation of his article has done his argument less than justice. But at any rate, he has no doubt that this law of Rubrius and Acilius is the *lex Rubria* of Plutarch, the *lex Acilia*, and the *lex agraria*, as cited above; and that it was in active operation not only in Italy and Cisalpine Gaul, but in the East as late as 105 B. C. I content myself with pointing out (a) that the official description of the law in the *senatus consultum* as the law of Rubrius and Acilius is not consistent with the repeated description in the two laws referred to of the colonial law as the *lex Rubria*; and (b) that we can only accept the identification, if we regard the *lex Rubria* as not only providing generally for the foundation of colonies and their government, but as concerned with even the minor privileges of *civitates foederatae*; (c) as to the real nature of the law testified to by the inscription as passed in 122 B. C. by Rubrius and Acilius, there is little to go upon, but, as the *senatus consultum* speaks of the 'renewal of friendship' with Astypalaia, it seems possible that this law settled the first relations between Rome and Astypalaia, perhaps, like the *lex Antonia de Termessibus*, constituting it a *libera civitas*, and that this privileged position was renewed and guaranteed by a *foedus* in 105 B. C.

I have so far treated Mr. Nap's view as to the scope of the *lex Rubria* and as to its continued operation down to 81 B. C. as arguable, though untenable, because some points of interest seem to arise out of its consideration. But, as a matter of fact, I might have blocked it at the outset by the contention that the *lex Rubria* was repealed, probably in 121 B. C., certainly before 111 B. C. It is clear from the authorities that a deliberate attempt was made by Minucius Rufus, one of the tribunes of 121 B. C., to repeal some or all of the Gracchan laws,³⁵ and that it was to counteract this attempt

³⁴ *Inscr. Gr.* xii. 3, 173.

³⁵ *Oros.* v. 12; *de Vir. illustr.* 60; *Plut. C. Gracch.* 13.

that Gracchus and Fulvius took the steps which called down the *senatus consultum ultimum*. That the attempt of Minucius was finally stopped by the disturbance which for the moment interrupted it, is improbable, and, though the historians do not mention the actual repeal of laws, and though most of the *leges Semproniae* were certainly not repealed,³⁶ we happen to know from Appian³⁷ that the prohibition against the sale of small holdings was set aside in this year. Against the *lex Rubria* there were special objections. We can hardly doubt that Velleius³⁸ reflects conservative tradition, when he calls this law the most pernicious of the Gracchan measures, and attributes the feeling against it to jealousy of a revived Carthage. There were also the technical objections that the curse laid upon the site by Scipio had been disregarded, and that the number of colonists prescribed by the law had been exceeded. That no *colonia Iunonia* was permanently established is proved by the implications or silence of the authorities, but the conclusive proof that the law was repealed or cancelled is found in the *lex agraria* of 111 B. C. This law carefully provides that all colonists sent out to Africa shall be fully confirmed in their lands by the *IIvir* created by it, a provision unnecessary if the *lex Rubria* was still in operation, and goes out of its way to describe that law as *lex Rubria quae fuit* (*lex agr.* l. 59). This unanswerable phrase seems to have escaped Mr. Nap's attention, but I am not aware that any scholar has thrown doubt on its obvious implication. Unless he is prepared to do so, the whole of his contention about the *lex Rubria*, and in particular his detection of a reference to it in the Table of Veleia, falls to the ground.

We have examined the method by which the date of the Table of Veleia has been pushed back to a point anterior to the *lex Cornelia* of 81 B. C. As the Table presupposes the existence of the province, and as Mr. Nap accepts Mommsen's 'proof' that it was created by Sulla as dictator, we seem to have reached the

³⁶ It may be asked why in the Italian section of the *lex agraria* it is considered necessary for the lands of colonists in Italy to be confirmed to them (*lex agraria*, l. 3), unless, as was certainly not the case, the Sempronian *lex agraria* was repealed. It seems to me that the answer is obvious and unassailable. The abolition of the *IIIviri a. d. a.* in 118 B. C. by the *lex Thoria* might be interpreted by the opponents of the Gracchan legislation as rendering ambiguous the validity of their work. To obviate any such doubt, the law of 111 B. C. definitely confirms the legal position, not only of all colonists already planted, but also of all the small-holders, who had not taken advantage of the law of 121 B. C. permitting the sale of their holdings. It might also be suggested that, owing to the difficulty of getting sufficient adjacent land, some of the colonies had not yet been fully constituted at the time when the land-commissioners were abolished, though the colonists may have been duly selected (*sortiti*), and some actually settled on land. At any rate, the abolition of the commissioners for Italian colonies before their work was done might produce the same kind of uncertainty in Italy as the repeal of the *lex Rubria* produced in Africa.

³⁷ i. 27.

³⁸ ii. 7, 7.

backward limit. It will be seen presently that this is the case, but Mr. Nap thinks it necessary to prove that the date must be later than the *lex Valeria* of 86 B.C.,³⁹ and, as his argument is characteristic, I shall devote a paragraph to its examination. What we know of the law of Valerius Flaccus (mainly from Sall. *Cat.* 33) is that it was a temporary expedient for dealing with an acute phase of the debt problem, by which a large percentage of existing debts was cancelled. Mr. Nap, after calling it a law *de pecunia credita*, a title which is misleading if it suggests a connexion with the process of *certa pecunia credita*, proceeds arbitrarily to identify it with a *lex Vallia* mentioned in Gaius, iv. 25. This law he regards as having introduced certain novelties into the procedure in cases of *certa pecunia*, which he finds reflected in cap. xxi of the Veleian Table.

As to the identification of the two laws, it seems to me reckless and uncritical in the extreme, depending upon the single fact that both are concerned with debt. But, while the *lex Valeria* deals with the cancelling of debt, the *lex Vallia* is concerned with a special method of recovering it. Nor, strange to say, has this method of recovery any point of contact whatever with the process for which directions are given in cap. xxi of the Table. While that chapter, as Mr. Nap rightly insists, presupposes a *legitimum iudicium* based upon the praetor's *formula*, a reference to Gaius will show that the *lex Vallia* is cited as making certain modifications in that form of *legis actio* known as *manus iniectio*. This is obviously fatal to Mr. Nap's argument, since no modifications in the *legis actio* could have any relation to the formulary process for *certa pecunia*.

He declares that the *lex Valeria* (*Vallia*) allowed a defendant to enter into a *sponsio* on his own account, and in his own name without employing a third party as *sponsor*. But the Table presents us with a defendant refusing to enter into a *sponsio* with the claimant, the context showing that no third party was required. Therefore, it is argued, the Table must be later than the *lex Valeria*. There are two misconceptions in this argument. In the first place, the *sponsio* of the Table, as already pointed out, is the *sponsio tertiae partis*, to which by its very nature there can only be two parties. In the second place, the *lex Vallia* has nothing to do with a *sponsio* of any kind, but with the formalities of *manus iniectio*. Gaius has explained that, when this *legis actio* is employed, a debtor could escape arrest by finding a substantial *vindex*, who becomes his representative before the court. *Sed postea lege Vallia, excepto iudicato et eo pro quo depositum est, ceteris omnibus, cum quibus per manus iniectionem agebatur, permissum est sibi manum depellere et pro se agere.* It would be

³⁹ *Op. cit.* p. 200.

irrelevant to my present purpose to follow Mr. Nap into his elaborate discussion of this supposed *lex Valeria*.⁴⁰ The point I have mentioned is the only one by which he seeks to fix the date of the Table of Veleia, and I hope I have shown that, even if the *lex Vallia* is the *lex Valeria*, it is based upon an astounding misconception of the passage in Gaius.

Having by means of the preceding *termini post* and *ante quem* placed our law, admittedly concerned with Cisalpine Gaul, between 86 and 81 B. C., and at the same time accepting Mommsen's 'proof'⁴¹ that Sulla created the province in his dictatorship, Mr. Nap argues that the Table can have been no other than Sulla's *lex data* or *lex provinciae*. As an additional support for this view, he cites the words of Licinianus: *data erat et Sullae provincia Gallia Cisalpina*.⁴² With regard to this last point, I will only notice that, though the words of Licinianus are mutilated and have no immediate context, they clearly refer to a date before the dictatorship, and are therefore so far against Mommsen's view. Apart from this, if the single word *data* is sufficient to convince Mr. Nap that the province was entrusted to Sulla for the purpose of receiving a *lex data*, it seems useless to argue the point.

As to the creation of the province by Sulla, I am not satisfied with Mommsen's conjecture, and I argue elsewhere⁴³ that it was more probably created immediately after the Social War, and that the *lex Pompeia* of 89 B. C. was the *lex provinciae*. At any rate, whether the province was due to Sulla or not, there are fatal objections to accepting the Table of Veleia as part of his *lex data* for it. (1) Directions for procedure in the case of abnormal behaviour on the part of defendants in civil suits are not what we should expect to find in the *lex data* of a newly constituted province. (2) The communities in the province, to which the law applies, do not correspond with the conditions of the country in 82 or 81 B. C., when, apart from minor and only half urban places, practically all the towns were either Roman or Latin colonies, the latter being in a great majority. (3) As there were no *municipia*, so there were no *IIIIviri* in Sulla's time, nor, as we know from Cicero,⁴⁴ as late as 51 B. C.; and accordingly the titles of magistrates found in the Table, *IIviri IIIIviri praefectives*, are equally out of place in a document of the Sullan period. (4) The civil procedure of Roman law, implied by the Table as applicable to the whole province, was not necessarily adopted by Latin

⁴⁰ *Op. cit.* pp. 182-94.

⁴¹ For Mommsen's and other views on the creation of the province, see Marquardt, *Staatsverwalt.* i, pp. 218, 219.

⁴² Licin., p. 32, ed. Teubner.

⁴³ In an article to appear in the *Journal of Rom. Studies*.

⁴⁴ *Ad Att.* 5. 2. 3.

towns, which, though they possessed the *ius commercii*, were not likely to be all *fundi* of Roman law. (5) The Table shows that there was for all the communities of the province, under certain conditions, a *revocatio Romae* to the praetor's supreme court, whereas it is certain, and is proved by the Atestine Fragment, that the judicial competence of the Latin *IIviri* was subject to no such limitation. (6) There is nothing in the conditions of the province in Sulla's day to explain why the proconsul is wholly ignored in these judicial matters, and why the local courts are brought into direct relation and subordination to the praetor in Rome. (7) I will add, as a not unfair *argumentum ad hominem*, that if, as Mr. Nap contends, the *lex Cornelia* of 81 B. C. introduced changes of procedure into suits for *certa pecunia* and claims other than money, it is strange that he should have perpetuated for the new province what within a few months were to become obsolete forms.

Although I have scrupulously followed Mr. Nap through his somewhat artificial *termini ante quem*, I declared at the outset that the really crucial date to be considered was the year 49 B. C. To that year undoubtedly belong (a) the enfranchisement, recorded by Dio Cassius (xli. 36), of all still unenfranchised communities of Cisalpine Gaul, and (b) the document known as the *Fragmentum Atestinum*.⁴⁵ That the two are intimately connected is certain, for the Fragment refers to the enfranchising law, 'the law or plebiscite passed by L. Roscius on March 11', and makes it a dividing-line as regards at least one point of judicial procedure. We may even go further and assert that the law of which the Fragment is a part, is a corollary, or, if Mommsen prefers the term, a *lex secutoria* to the enfranchising measure. They were both therefore—and Mr. Nap admits this—virtually Caesarian laws, though why the latter should be described as the first *lex Iulia iudiciaria*, is one of the peculiarities of Mr. Nap's system which is never made to cohere with its context.⁴⁶

But the question about the Atestine Fragment which makes it essential to the present argument is whether with its fixed and certain date it does not by itself preclude any earlier date for the Table of Veleia than 49 B. C. This would obviously be the case if it could be shown that both the larger and the smaller fragments belong to the same law. There are not wanting strong indications that they do. (1) Both laws are concerned with judicial procedure in municipal courts. (2) Both are concerned with these courts as existing in Gallia Cisalpina. This is of course explicit in the case of the Table of Veleia, but is a safe inference in regard

⁴⁵ Bruns, p. 101.

⁴⁶ Mr. Nap regards it (a) as a *lex data*; (b) as concerned with Cisalpine Gaul. But (a) by all analogy a *lex iudiciaria* would be a *lex rogata*, and (b) a *lex iudiciaria* would by its very nature be a general law, not one dealing with a particular province.

to the smaller document ; (a) from the fact of its having been found at Ateste, an indication very strong, though of course not conclusive ; (b) from the fact that it makes the *lex Roscia* a dividing-line in judicial procedure, and that that law by common consent concerned Cisalpine Gaul. (3) Both are concerned with the *revocatio Romae* of certain suits and actions from the competence of the municipal magistrates.

This last point comes out in the following ways.

(a) Suits for money or other debts involving more than 15,000 sesterces have to be tried in Rome (Tab. of Vel., caps. xxi and xxii). (b) In certain cases a *vadimonium* to appear in Rome has to be entered into before a municipal magistrate (Tab. of Vel., cap. xx, ad fin.). (c) In some abnormal cases *ductio*, *missio in possessionem* and *proscriptio* are applied by the Roman praetor to municipal defendants (Tab. of Vel., cap. xxii). (d) Cases of delict, involving *infamia*, have to be tried in Rome, except where, in minor claims involving less than 10,000 sesterces,⁴⁷ the defendant expressly demands trial in a municipal court (*Frag. Atest.*, cap. A). (e) *Revocatio Romae* is expressly disallowed, whatever the amount claimed, in all cases initiated before the passing of the *lex Roscia*, a provision implying that henceforth it would under certain conditions be resorted to (*Frag. Atest.*, cap. B).

(4) On the matter of date, we may point out (a) the certainty that the Atestine Fragment belongs to 49 B. C., and (b) certain considerations which make for the Table of Veleia an earlier date than 49 B. C. impossible. Thus its provisions apply without discrimination to the whole province of Cisalpine Gaul, and the communities of the province are described, with the trifling exception that *vici* and *castella* are added, exactly as the admittedly enfranchised communities of Italy are described in the Table of Heraclea : *municipia coloniae praefecturae fora conciliabula*.⁴⁸ Not only so, but the highest magistrate in these communities is *IIvir IIIvir praefectusve* (cap. xx, l. 39), just as in the Table of Heraclea (l. 83) they are *IIvirei IIIvirei*. All this points to the Table not being earlier than 49 B. C., the date of the enfranchisement, especially as from *ad Att.* ii. 5. 3 it is clear that as late as 51 B. C. there were as yet no *IIIviri* at any rate in the Transpadane district, and almost certainly not in the province at all, since the magistrates in the Latin colonies would be *IIviri*. Equally conclusive is the fact that the Table not only treats all the communities of

⁴⁷ There is no serious inconsistency between the maximum of 15,000 sesterces in the Table and 10,000 sesterces in the Fragment, since the former referred to purely civil suits, the latter to cases of delict.

⁴⁸ In the Fragment only *municipia coloniae* and *praefecturae* are mentioned, perhaps because they alone possessed magistrates with the highest judicial authority. In the Table the list of communities is a longer one, because the inhabitants of every community could be plaintiffs before the appropriate court in such matters as *damnum infectum*, &c.

the province as *fundi* of Roman civil law, and their magistrates as entitled to set up a *legitimum iudicium*, but makes them all subject under certain conditions to a *revocatio Romae*, an arrangement proved to be inapplicable to Latin communities by the Atestine Fragment (cap. B).

I quote the last citation as very instructively marking the transition produced by the *lex Roscia* :

Quoius rei in quoque municipio colonia praefectura quoiusve *Iiviri* eiusve qui ibei lege foedere plebeive scito senatusve consulto institutove⁴⁹ iure dicundo praefuit, ante legem seive illud plebeiscitum est, quod L. Roscius a. d. V eid. Mart. populum plebemve rogavit, quod privatim ambigetur, iuris dictio, iudicis arbitri reciperatorum datio addictiove fuit, quantaeve rei pecuniaeve fuit, [i. e. if over 15,000 sesterces] eius rei pecuniaeve quo magis privato Romae revocatio sit . . . ex hac lege nihil rogatur.

Prior therefore to the *lex Roscia* we have a state of things in which the *Iiviri iure dicundo* of the Latin colonies had the right of *iurisdictio* and *iudicium datio* in matters involving any amount of money, with no necessity for a *revocatio Romae*. But this point is by itself absolutely fatal to Mr. Nap's whole scheme of throwing back the Table of Veleia into Sulla's period, for in that Table we clearly have the state of things subsequent to the *lex Roscia*—communities with titles appropriate to Roman towns, magistrates who are *Iiviri* or *IIIViri*, and a regular system of *revocatio Romae* under specified conditions.

In view of the preceding considerations, we can again turn to the question whether these two documents can be regarded as belonging to the same law. Is it likely that two laws were passed between March 49 and 42 or 41 B. C., when the province ceased to exist, not only both dealing with Cisalpine Gaul, but with judicial matters in it, and especially with local competence? Only one answer seems possible, viz. that the Atestine Fragment comes from one of the four lost tablets of the law partially preserved on the Table of Veleia. Or the probabilities of the case may be put in this way. The Table of Veleia could not have been later than 41 B. C., since in that or the preceding year Cisalpine Gaul ceased to be a province. Its contents imply political and juristic relations

⁴⁹ It does not belong to my present argument to inquire who the judicial magistrates were, apparently not entitled *Iiviri*. I will only make the following suggestions: (a) The *civitates foederatae* made Latin towns by the *lex Pompeia* would naturally adopt the usual title, *Iiviri*. But a few may exceptionally have been allowed to give their magistrates the old titles in accordance with the original treaty, *foedere*. (b) Perhaps a few towns other than *civitates foederatae* were made Latin by Pompeius, and also allowed the same privilege, as a concession to custom, *instituto*. (c) Lastly, other smaller towns, passed over in 89 B. C., and subsequently made Latin either by law or senatorial decree, *lege plebiscito senatus consulto*, may have similarly retained their old magistrates.

within the province which could not have been present prior to the enfranchising law of 49 B. C. But that enfranchising law would naturally and properly be followed by some legal determination and readjustment, whether by *lex data* or *lex rogata*, of municipal competence and procedure in judicial matters. On this indirect evidence it has seemed permissible to many to regard the law as a corollary to the enfranchisement, and therefore as belonging, if not to 49 B. C., at least to the period of Caesarian ascendancy. This view is confirmed by the Atestine Fragment, which on incontrovertible internal evidence is part of a law passed in 49 B. C. as a sequel to the *lex Roscia*, and which deals with precisely the same kind of juristic readjustment as the Veleian Table. Unless therefore we are prepared to argue that two separate laws dealing with these subjects were passed within at most a year or two of one another, we must accept the two fragments as portions of the same law.

At the risk therefore of having my view of the law described as conservative, I reject the attempt to relegate it to the pre-Caesarian period, and I regard it as a natural sequel to the complete enfranchisement of the province. The urban communities were now roughly, as in Italy, *municipia coloniae* and *praefecturae*; they were necessarily all *fundi* of Roman law, and of course had their own local jurisdiction in general accordance with it. That for Italian municipalities there had either grown up by custom, or had been established by statute law, some delimitation of competence between the local magistrates and the Roman praetor, can hardly be doubted. We may fairly assume too that Caesar, who had long favoured the removal of all political inequality between the province and Italy, would also insist on equal juristic treatment. But this policy necessitated legislation, since without it the local courts, as belonging to provincial municipalities, would be subject to the higher jurisdiction, not of the praetor, but of the proconsul. It seems to me that, as long as the country remained a province, nothing short of a special law could attain what I conceive to have been Caesar's object.

No doubt the law so called for was in a sense a *lex provinciae*, though it only concerned judicial relations. But it does not follow that it was a *lex data*. As a matter of fact, the institution of *leges datae* was simply a convenient time-saving expedient. When a province had to be regulated, usually at a distance from Italy, and full of complicated local conditions, it was simpler to empower the man or men on the spot to draw up the necessary arrangements in the form of a *lex data* than to insist on their being brought before the *comitia*. Similarly, when charters were to be framed for Italian towns, it would have been useless repetition and waste of labour to pass separate laws, and therefore com-

missioners were authorized to draw up *leges datae*, guided either by custom or by some general law. But where the province was almost a part of Italy, where the conditions were all but identical, where differences of status were non-existent, and where the only matters requiring regulation were technical and juristic, the natural course was surely to proceed by means of a *lex rogata*, just as for cognate reasons Caesar proceeded a few years later in his *lex municipalis*. Mommsen argued that the *lex Roscia* was a *mater lex*, giving birth to the law on the Velcian Table, a *filia lex*, just as the *lex municipii Tarentini* was a daughter law to the *lex Iulia de civitate* of 90 B. C.⁵⁰ The parallel is illogical and misleading. The only *filiae leges* to which the *lex Roscia* could give birth would be the various *leges datae* framed for the newly enfranchised *municipia fundana* of Cisalpine Gaul. Why again should the *lex Roscia*, *qua* enfranchising law, call into being a general judicial *lex data*, if the *lex Iulia* (of 90 B. C.), equally an enfranchising law, had done nothing of the kind? After all, the closest parallel between the *lex Roscia* and the law under discussion is that between the *lex Iulia* of 90 B. C. and the municipal law partly preserved on the Table of Heraclea. In both cases the *lex secutoria* was a logical consequence of its predecessor, and as the municipal law was admittedly a *lex rogata*, there seems no reason for placing our present law in a different category. The *lex Rubria* mentioned in the Table was a *plebiscitum* or *lex rogata*, and as it was manifestly a law binding on the municipal magistrates of Gallia Cisalpina, and concerned with judicial procedure, Puchta's conjecture that this was the actual title of the law on the Table seems to me, in spite of Mommsen's change of view, still to hold the field.

E. G. HARDY.

⁵⁰ See *Juristische Schriften*, i. 152 ff.

The History of the Col de Tenda

IV

IT is most convenient, in the case of each great main historical pass, to group the 'variants' and the 'parallel' passes together. Strictly speaking, the former mean the passes of which the routes touch that of the main pass at some spot or spots between its starting-point and its end-point, while the 'parallel' passes are those the routes of which run parallel to that of the main pass, which they touch only at or near the starting-point and at or near the end-point. In the case of the Col de Tenda the passes we propose to describe under this heading are rather 'parallel' passes than 'variants', the latter being historically insignificant, like the Col del Sabbione (7,428 ft.) to the west of the Col de Tenda.

As was indicated in the first section,¹ the great mountain spur (on which rises the Monte Matto, 10,128 ft., one of the highest summits of the Maritime Alps) that runs roughly north-east from the Testa Malinvern, on the main watershed, is the best limit between the 'parallel' passes and the 'feeders' of the Tenda or 'links' with the Col de l'Argentière route (to be described below). On the Italian side this division takes in the whole of the Gesso glen, while on the French side it comprises the Vésubie valley, together with the Mollières and the Ciastiglione glens of the Tinée valley; as we shall see, the passes from the Vésubie valley across the Mollières glen to the Ciastiglione glen are historically and practically important, for they afford a much easier route than the bit of the savage Tinée valley around Isola and St. Sauveur.

Of the 'parallel' passes by far the most important historically is the *Col di Finestra* (8,107 ft.), leading from St. Martin-Vésubie to the town of Valdieri, and boasting the celebrated sanctuary of the Madonna di Finestra (still in Italian territory). To its east are the passes from the head of the Gordolasca glen, and to its west the Cols delle Rovine and della Ciriegia; but these are all subordinate to the Finestra, which just misses the distinction of being one of the Great Historical Passes of the Alps.

¹ *Ante*, p. 196.

Naturally the history of the pass is intimately connected with that of the sanctuary, which is built some way down on the Vésubie slope, but since 1388 has been in the hands of the house of Savoy and was reserved in 1860.

The early history of the sanctuary is wrapped in obscurity. It is said that a chapel was originally constructed, on the ruins of a Roman temple, by the Benedictines of Pedona (Borgo San Dalmazzo), lords of the Gesso glen; that this was destroyed by the Saracens, but was later rebuilt and put in the charge first (till 1314) of the Templars (who had extensive property at St. Martin-Vésubie—formerly named St. Martin-Lantosque), then of the Hospitallers, finally coming into the possession of the commune of St. Martin-Vésubie.² Raiberti prints³ a document relating to a boundary dispute between the 'universitas' or 'commune' of St. Martin-Vésubie and its neighbour St. Dalmas (in the Val de Blore). This is dated 15 January and 11 June 1287. Among the witnesses are apparently one Benedictine monk⁴ and one Hospitaller,⁵ while the last named is 'Dominus Iohannes de Aquis, Praesbiter Ecclesiae Beatae Mariae de Fenestris et praedictae Universitatis'. It would thus appear that our sanctuary then had a separate 'rector', probably subordinate to, but possibly identical with, the parish priest of St. Martin-Vésubie.⁶ However that may be, it is quite certain that in 1335 the care of the sanctuary was entrusted to one of the senior canons of the cathedral church of Nice, who bore the title of 'praeceptor', thus seeming to show some previous connexion with the Templars. This solemn arrangement, made in the choir of the cathedral church of Nice, continued in force till 1792, when the sanctuary was declared 'national property'.⁷ For our purpose the sanctuary (burnt in 1456, and rebuilt in 1457)⁸ is important, as it served also as a hospice or lodging-house for pilgrims coming over the pass from the direction of Cuneo.

The name of the pass is derived from a natural window in the rocky ridge to the south-east of the sanctuary, and is therefore

² L. Raiberti, *Aperçu historique sur le Sanctuaire de N.-D. de Fenestres* (Nice, 1898), pp. 179, 203, and 217; Reynaudi, pp. 164. It is tempting to connect the 'Esubiani' or 'Vesubiani', whose name (with those of five other tribes) appears both on the Trophy at Turbie (6 B. C., according to the text of Pliny, iii. 20 or 136-7) and on the Arch of Triumph of Susa (7 B. C.), with the Vésubie valley, so that our pass and its neighbourhood *might* have been known to the Romans. But unluckily the Peutinger Table (a thirteenth copy of a fourth-century original) states that the original name of the river Vésubie was 'Vulpis' (Desjardins, ii, pp. 100 and 254, and R. Rey, *Le Royaume de Cottius*, Grenoble, 1898, pp. 120-1).

³ pp. 292-4.

⁴ pp. 210, 293-6.

⁵ pp. 202, 293-5.

⁶ pp. 209-10; Gioffredo (in *Monumenta Historiae Patriae, Scriptores*, i), col. 28.

⁷ Gioffredo, cols. 1078-9; Raiberti, pp. 195, 199, 206-9.

⁸ Raiberti, pp. 203-5, 411.

properly 'Finestra' (in the singular) and not 'Fenestre' (in the plural).⁹ Gioffredo in his *Nicaea Civitas*¹⁰ writes :

Visitur in eius [sc. St. Martin-Vésubie] confinio percelebris et antiqua Beatae Mariae de Fenestris ecclesia, cuius Praeceptor olim inter Canonicos Nicaenses numerabatur, nomen sortita a montis iugo proximo, cuius vertex seu terremotu, seu alio casu, ab anteriori facie ad posteriorem foraminatus procul inspicientibus Fenestrae formam exhibet.

The first authentic mention of our pass by name dates from 1041, when the Emperor Henry III confirmed to the bishop of Asti (*inter alia*) 'pleb. S. Mariae de Pedona ; abbatiam S. Dalmatii, cum valle de Gessi usque ad fenestras ; Rocca Cervaria [? Roccavione] et Robulando [i. e. Robilante] et Alvergnando [i. e. Vernante] usque ad montem Cornium'. Thus both the Finestra and the Col de Tenda are first mentioned in this charter, both being cited as the limits of the territory granted, and therefore as being well known at this remote date.¹¹ Our pass is mentioned, also as a well-known boundary, in a series of twelfth-century papal bulls, containing or confirming grants to the bishop of Asti. So in 1153 Eugenius III writes : 'abbaciam Sancti Dalmacii de Pedona cum castro, curte, et valle Iecii usque ad Fenestras.'¹² In 1154 Anastasius IV repeats this phrase.¹³ Finally, in 1156, the one English pope, Adrian IV, writes : 'abbaciam Sancti Dalmacii de Pedona cum ecclesiis et valle Iecii usque ad Fenestras.'¹⁴ It is thus clear that our pass (doubtless owing to the sanctuary on its route) was so universally known at that time that it was naturally cited when it was wished to fix the boundaries of the territory granted. The first distinct notice of a passage of our col dates from 1210, when, at the request of the commune of Cuneo and of the abbat of San Dalmazzo, the count of Provence crossed the Finestra and forced the marquess of Saluzzo to retire from the town of Cuneo.¹⁵

A vaguer allusion to our pass is found in 1220.¹⁶ In 1305 the seneschal of Provence gathered the army of the county of Nice together at St. Martin-Vésubie, in order to war against

⁹ Raiberti, pp. 39-40.

¹⁰ Quoted by Raiberti, p. 40.

¹¹ Ughelli, *Italia Sacra* (1719 edition), iv. 356. Reynaudi (p. 163) states that the pass is mentioned in 776 already as the meeting-point of various counties, but I have not been able to verify this reference, or that given by Raiberti, pp. 41-3. Raiberti (pp. 222) cites two charters of 901 and 902 by which the Emperor Louis III grants to the bishop of Asti rights as described in 1041, but in both cases the true text of these charters does not contain the allusion to our pass (for 901 see Ughelli, iv. 341, and for both L. Schiaparelli, *I Diplomi italiani di Lodovico III e di Rodolfo II*, in the *Fonti per la Storia d'Italia* (Rome, 1910), pp. 38 *segg.*, 80 *segg.*, and G. Assandria, *Libro Verde della Chiesa d'Asti*, vol. xxvi of the *Biblioteca della Società storica subalpina*, pp. 178, 180).

¹² Raiberti, p. 44 ; *Libro Verde della Chiesa d'Asti*, p. 203.

¹³ Raiberti, p. 44.

¹⁴ *Ibid.* p. 248.

¹⁵ *Ibid.* pp. 44-5.

¹⁶ See *ante*, p. 209, note 58.

the marquess of Saluzzo; but the troops exacted a promise that by their privileges they were not bound to serve outside the county of Nice. This promise given, they consented to cross our pass, and returned by the same route.¹⁷ In 1311 (some say 1309) Robert, Angevin king of Naples, with his queen, Sanchia, crossed our pass on the way from Avignon to Naples.¹⁸ In the autumn of 1372 part of the troops of Gregory XI (commanded by his brother, the Comte de Beaufort) and of the Queen-Countess Jeanne of Naples and Provence crossed the Finestra, in order, with the help of the count of Savoy, to rescue (successfully) Cuneo from the domination of the Visconti of Milan.¹⁹

As was only to be expected, matters become much clearer from 1388 onwards. In the September of that year Amadeus VII made a journey from Chambéry to take possession of Barcelonnette and of the county of Nice, his newly-acquired territories. Having passed by the town of St. Martin-Vésubie he went down to Nice, but returned to St. Martin (perhaps because the Tenda was then feared by reason of brigands) and crossed our pass.²⁰ In the October of that year the treasurer of the count sent a messenger, with four horses and two servants, to Nice, who, in order to avoid the men of the marquess of Saluzzo, crossed the Mont Cenis, and then from Cuneo (just become Savoyard) went up the Gesso valley and over our pass and so down to Nice, the treasure they conveyed thus reaching the count quite safely. It is in connexion with this convoy that we again hear the pass mentioned by name—'collem Fenestre' or 'collum Fenestre'.²¹

In the summer of 1456 the sanctuary was burnt down. The inhabitants of St. Martin-Vésubie petitioned the duke of Savoy, Amadeus IX, for help, and he freed the commune from the payment of taxes for five years, so as to secure the rebuilding, which took place in 1457.²² In his reply, dated 4 May 1457, he says :

Quod nuper hec estate prossima fluxa casu fortuito et dolendo domus hospitalis Beatae Mariae de Fenestris supra collem de Fenestris, territorio

¹⁷ Gioffredo, col. 686; Raiberti, p. 252.

¹⁸ Reynaudi, p. 164; Raiberti, p. 248; *Rivista Mensile* of the Italian Alpine Club, xxxii, 1913, p. 200.

¹⁹ Reynaudi, p. 73; Raiberti, p. 249; L. Bertano, *Storia di Cuneo* (Cuneo, 1898), i. p. 453.

²⁰ Gioffredo, col. 919; Vaccarone, p. 53; Raiberti, p. 249; Cais de Pierlas, *La Ville de Nice*, p. 44. Great confusion as to the count's journey has been caused by the fact that the 'Chroniques de Savoye' (*Monumenta Historiae Patriae, Scriptores*, i, col. 379) wrote: 'Il passa la montaigne de Galibier et le col des Fenestres, et chevaucha en celles montaignes jusques il parvint à Barsilonne.' Here our pass is misplaced before instead of after Barcelonnette (Vaccarone, pp. 44-5; Cais de Pierlas, p. 29, 330-1, and 540).

²¹ Vaccarone, p. 53; Cais de Pierlas, p. 43, note 1.

²² Raiberti, pp. 203-5 and 411.

dicti loci Sancti Martini ubi multi pauperes et alie persone utriusque sexus temporibus nivium et frigorum confluere et recepturi solebant, ignis incendio pro dolor consumpta est.

It is therefore clear that the sanctuary had almost become the centre of a hamlet, and was a much-frequented refuge in time of winter. In 1464 Amadeus himself crossed our pass, perhaps to see the new building which he had contributed to raise. In 1560 and 1564 Duke Emmanuel Philibert also traversed the Finestra, as in 1662, 1667, or 1668 (the dates given differ) did the Duchess Marie Jeanne of Savoy, then Regent.²³ The route from our pass meets that from the Tenda at Roccavione, not far above Borgo San Dalmazzo, so that it is possible that the two customs' tariffs of 1478 and of 1618 relate to our pass, though probably they are connected with the Col de Tenda.²⁴ In 1516 a band of Gascon mercenaries (coming from Urbino) tried to force the passage of our col, but were repelled by the fierce resistance of the men of St. Martin-Vésubie.²⁵ But about 1541 it was crossed by Savoyard troops, marching to resist the papal troops who were threatening Nice.²⁶ In 1562 we have a curious document by which the men of St. Martin-Vésubie declare solemnly that they decline to acknowledge any ruler save the duke of Savoy,—rejecting in particular the claims of the marquess of Saluzzo (who could only reach the village over our pass), the king of France, or the Dauphin.²⁷ In 1579 the pestilence raged in Piedmont and made many victims. The governor of Nice therefore sent troops to our pass in order to prevent the spread of the plague to St. Martin-Vésubie. But these stern measures were useless (as they were again in 1630), and many victims perished at St. Martin-Vésubie.²⁸

It is in the sixteenth century that our pass first makes its appearance upon maps, which even then were very scantily supplied with information as to the Alpine region. Possibly the first map to name it was that of Piedmont, by Castaldo, dated 1556, which has 'Col de la Nostra Donna della Fenestra'.²⁹ In 1594 Bompard's map has 'Col de Nostra Done', while in 1620 (possibly also on the 1597 edition) Magini's map of Piedmont reads 'Col della Nostra Donna di Finestre'. In 1581 the text of Pingon's book (p. 111) has 'Fenestrae', while the 1616 edition of D'Avity (p. 449) has 'montagne de Fenestre', his later work of 1637 giving 'col de Nostra Done de la Fenestre'.³⁰

²³ Reynaudi, p. 164; Raiberti, pp. 27, 250-1, 282.

²⁴ See ante, p. 211.

²⁵ Raiberti, p. 253.

²⁶ Ibid. p. 431.

²⁷ Ibid. pp. 441-2.

²⁸ Ibid. pp. 253-4.

²⁹ The pass is here wrongly marked to the north of the Argentière. I quote this map from the 1603 edition of Abraham Ortelius' *Theatrum Orbis Terrarum*, but I believe the earlier date is correct.

³⁰ See the 1660 edition, iii. p. 5.

Sanson's maps (1648, 1652, and 1661) read 'Col de la Fenestre' and are followed by a few later French maps (e. g. those of Danckerts, c. 1690, and of De Fer, 1705). But Gioffredo (1629-92) always uses the plural form 'Finestre'.³¹ This is also adopted on the two official maps of Borgonio, 1680 and 1772, though that of Blaeuw, 1682, has 'Fenestre', both for the 'monte' (probably meaning the pass and not a peak near it) and for the sanctuary. Most of the seventeenth- and eighteenth-century French maps follow Jaillot (1690) in adopting this plural Italian form.³²

Towards the end of the sixteenth century our pass lost its position (originally due, in part at least, to the dangers which were encountered on the Col de Tenda) as the most frequented means of communication between the county of Nice and Cuneo, a position which it had enjoyed for centuries. This loss was mainly due to the opening of the mule-path (about 1592) over the Tenda, the effect of this new route being aggravated by the prohibition, in 1599, of the transport of salt past St. Martin-Vésubie owing to an outbreak of pestilence in the village—not merely our pass but also that over which led the mule-track constructed by Pozzo del Paganino, 1430-4 (of which hereafter), being much injured by these events.³³ As the dukes had in 1575 (1579) finally become masters of the county of Tenda, the centre of commercial gravity naturally shifted from St. Martin-Vésubie to Tenda and Limone.

In the winter of 1614 or 1620 we have to chronicle the flight across our col of a rich and powerful local ruler, Annibale Grimaldi, lord of Beuil. He had formerly been governor of the county of Nice, but had been guilty of embezzlement. He was therefore sent for to Turin, where he refused all offers to exchange his small independent lordship for other lands. He then feigned illness and obtained leave to make a 'cure' at the baths of Vinadio. But he left his carriage near Demonte, and fled across our pass to his own domains. During his absence the king of France had received him as his vassal. The duke of Savoy therefore declared him a rebel, and, abandoned at last by his own followers, Annibale paid the penalty of his treason with his head. His predecessors had done much in 1388 to bring about the submission of the county of Nice to the house of Savoy.³⁴

³¹ Cols. 28, 39, 46, and 71.

³² That of Robilant, 1786, has 'N.D. des Fenêtres', as his text is written in French. In 1799 Bacler d'Albe has 'Finestra' and in 1820 Jomini 'Fenestre' (both singulars). All the official Italian maps of the nineteenth century have 'Finestre' (save the large Sardinian map, which gives 'Fenestre'). 'Finestre' is now the officially recognized form. But Bobba (p. 63) points out that this form is wrong, and that the singular is locally in use at St. Martin-Vésubie.

³³ Raiberti, pp. 419, 444.

³⁴ Raiberti, pp. 250-1; *Rivista Mensile* of the Italian Alpine Club, xxxii, 1913, p. 200; Cais de Pierlas, pp. 16-26.

In 1662 the government of the county of Nice found itself obliged to station soldiers at the sanctuary, because the men of Mondovi refused to pay the salt tax and hindered the transport of salt from Hyères on the coast into Piedmont. In memory of this, a street at St. Martin-Vésubie still bears the name of the 'chemin de la gabelle'.³⁵

Owing to its strategical importance our pass was occupied by troops during the war of the Austrian succession, 1740-4, the track across it being destroyed by the Sardinians, while the prince of Conti crossed the pass in the course of his explorations in 1744.³⁶ The Sardinian troops also traversed it in August, 1747.³⁷

The French topographers of the eighteenth century often mention our pass. So in 1748 Maulevrier-Colbert writes :

De St. Martin à N. D. de Fenestre on va en deux heures et demy, en montant assés doucement, puis la montée se trouve très rude pendant une demy heure. Il n'y a dans cet endroit que la Chapelle et un cabaret, qui ordinairement est fermé. Le propriétaire demeure à St. Martin.³⁸

In 1752 the marquis de Paulmy adds that the pass is 'praticable pendant un ou deux mois de l'année'.³⁹ In 1777 'de Montannel' mentions our passage several times. He first reports that it is 'praticable pour les chevaux et un bataillon peut la parcourir, d'un pas réglé, en quatre jours de temps' (p. 455). Later on (p. 458) he tells us that it is 'praticable pour les chevaux ; il faut douze heures' ; and finally (p. 459) :

Cette route est bonne pour les chevaux ; il faut vingt-et-une heures pour la parcourir ; mais elle n'est praticable, à cause des neiges qui s'amassent au col de la Finestre, qu'au commencement de juillet.

During the wars of the French Revolution, 1792-4, our pass was successively occupied by the rival troops, and several skirmishes were fought on it. In 1793 the duke of Aosta crossed it with an army corps, but finally it remained in the power of the French.⁴⁰

The completion (1782) of the carriage-road over the Col de Tenda marked the final ruin of the Finestra as a pass of commercial importance, save for purely local purposes. It is still much frequented by Piedmontese pilgrims, especially on 15 August. In 1860 the sanctuary and pass were reserved to Italy and not included in the cession of the county of Nice to France.

³⁵ Raiberti, p. 14.

³⁶ Raiberti, pp. 38, 249, 254 ; Reynaudi, p. 164.

³⁷ E. F. de Vault, *Mémoire* (ed. Arvers, Paris, 1892), i. 641 and ii. 780.

³⁸ *Description et Itinéraire du comitè de Nice* (manuscript in the collection of M. Henry Duhamel, of Gières, who has kindly had it copied for me), p. 53 of my manuscript copy.

³⁹ *Voyage d'Inspection de la Frontière des Alpes en 1752*, edited by H. Duhamel at Grenoble, 1902, p. 229.

⁴⁰ Raiberti, pp. 254-6 ; Perreau, i. 336 ; Reynaudi, p. 164.

In 1861 they were annexed to the commune of Entraque, the Salèzes and Boréon glens being united to that of Valdieri. This reserve was a graceful concession to the hunter-king, Victor Emmanuel II, who built himself a hunting-box on the northern slope of the pass.⁴¹ In 1856 there was a discussion as to whether the projected railway line should be carried over or under this pass or the Col de Tenda, the latter ultimately winning the day⁴²—thus the Finestra played the part of the Lukmanier to the St. Gotthard.

We must now go on to study the involved history of a minor pass, over which a mule-track was constructed between 1430 and 1434 by a certain Paganino del Pozzo. It is named by the older authorities 'Arnova' or 'Arnovo', a name now unknown in the region west or east of the Finestra, but said to really belong to the Col della Ciriegia (8,370 ft.), an easy pass which leads west of the Finestra from St. Martin-Vésubie to the Valletta branch of the Gesso valley. But the older authorities distinctly identify this pass with the higher Passo di Pagari (9,170 ft.), to the east of the Finestra and leading from near St. Martin-Vésubie through the Gordolasca glen to the Entraque branch of the Gesso valley, this pass being, however, a glacier pass (not difficult) on its north slope. The last fact might lead us to conclude that the older authorities simply made a mistake, being perhaps led into error by the fact that a little way to the north-west of the Ciriegia there is another Passo di Pagari (8,422 ft.), which is a simple 'variant' of the Ciriegia, and may possibly owe its name to the builder of 1430-4. The natural solution would be that the mule-path was really constructed either over the more westerly Pagari pass or over the Ciriegia. But it is very odd that in the eighteenth century the more easterly and glaciated Pagari is *certainly* referred to by the military topographers. The exact point is whether the older writers wrongly inserted the name of the Gordolasca glen, certainly leading to the glacier Passo di Pagari, or whether they simply made a mistake. The routes over the three passes named all start from or near St. Martin-Vésubie and reunite at the town of Valdieri, some way above Borgo San Dalmazzo and Cuneo.⁴³ After all it is not very important for our present purpose whether this curious track was made over the Ciriegia or the more easterly Pagari, though the conflict of evidence is amusing and perplexing. Suffice it to say that either pass is practically but a means of turning the Finestra, which itself is the historical 'parallel' pass to the Col de Tenda.

⁴¹ Raiberti, pp. 251, 287-8.

⁴² See a pamphlet by F. Cerroti, *Confronto tra la linea pel Colle di Tenda alla valle della Roia e la linea pel Colle di Finestra alla valle Vesubia* (Cuneo, 1856); it is mentioned by A. Manno, *Bibliografia storica degli Stati della Monarchia di Savoia*, vol. v (Turin, 1893), p. 121.

⁴³ See on the whole question my article in the *Rivista Mensile* of the Italian Alpine Club, xxxii, 1913, pp. 132-3, and the reply by F. Mader, *ibid.*, pp. 200-1; also the same periodical for 1898, xvii, p. 434; Cais de Pierlas, p. 270; Bobba, p. 57; Raiberti, pp. 414-16, 418; and an interesting article by V. de Cessole in *Nice historique* (unpagged note at the head of the number for March 1912).

We first hear of the 'Arnova' about 1430, when we are told that a certain Paganino del Pozzo (of Alessandria), who farmed the salt tax at Nice, constructed divers Alpine mule-paths, among others over the 'Arnova'. It is added that by opening this new path Paganino was to be exempt from his obligation of keeping up the track over the Col de Tenda. The exact point at which this path crossed the Alps is not stated, but of course the Ciriègia is a much easier pass than the eastern Pagari, though on the other hand the latter is said to preserve the name of the road-opener. A proverb current at St. Martin-Vésudie points to the expectation that when Paganino ceased to keep up this path it would soon fall into ruins.

Tant que Pagari pagharà
Lo pas passarà ;
Quant Pagari pagharà plus
Lo pas passarà plus.

We do not hear of our pass again till the earlier work of Pierre d'Avity (first published in 1612), which names the 'Arnouve' as the principal pass across the Alps between the Finestra and the Argentière, thus seeming to favour the Ciriègia rather than the Pagari.⁴⁴

A little later, however, Gioffredo (1629-92) speaks of it more in detail. At col. 27 he reproduces the indication given by d'Avity that the 'Arnova' lies between the Finestra and the Argentière—doubtless both writers got this bit of information from some common source. But at cols. 28-9 he gives many more details, alludes to the *possibility* of making a track across it which in winter would be shorter and less dangerous than the Finestra, and distinctly states that the way thither lay through the Gordolasca glen (which is east of the Finestra route), at the mouth of which is the village of Belvedere.⁴⁵ Still later on he is quite clear that the route went through the Gordolasca glen, and mentions a proposal to construct a path by it made by certain men to Charles Emmanuel I (1580-1630, for Martini was bishop of Aosta 1611-21).⁴⁶ It should be

⁴⁴ 1616 Paris edition, p. 449. The pass is not mentioned in d'Avity's later book, 1660 edition, iii. 5.

⁴⁵ 'Arnova s'innalza più verso settentrione tra i luoghi di S. Martino suddetto, e Valdieri, nè manca chi creda potersi per questo monte con qualche spesa la via in modo agevolare, che anco ne' tempi d'inverno possa riuscire più breve, e men disastrosa non solo di quella di Finestra or ricordata, ma ancora dell'ordinaria, che par il colle di Tenda conduce in Piemonte, rigettando le strade de' monti Colombo, e della di Neve, posti a sinistra tra i luoghi di Entracque e Belvedere, quantunque, come appare, altre volte praticate da quelli, che quindi facevano viaggio verso la Gordolasca per discendere nella valle di Lantosca.'

⁴⁶ Col. 70. After having mentioned the paths across the Finestra and the Tenda, and that along the sea-coast, Gioffredo continues thus: 'Oltre queste trovo essersi altre volte praticate le strade dette di Paganino, preso il nome di Paganino del Pozzo, gabelliere generale de' sali circa il 1430, che le costrusse. Di queste una cognominata del Malopera, perchè disegnata da Giorgio, signor di Mas, da Nizza conduceva—a Lantosca, a S. Martino, ed a Entracque. L'altra da Nizza—a Sospello, a Saorgio, alla Briga, a Tenda, ed a Limone.' The last-named pass is clearly the Tenda, while the former cannot be the Ciriègia (the route from which does *not* lead to the Entracque glen), nor the Finestra (already mentioned), so that it must refer to our 'Arnova', of which he goes on to speak: 'Nè tampoco quella (strada) che Ludovico Martini, Vescovo d'Aosta, e l'ingegnere Prospero Raibauda, proposero al duca Carlo Emanuele di lui figlio per la Gordolasca et l'Arnova.'

noted here that several modern writers state quite precisely that the name 'Arnova' belongs to the Col della Ciriegia—so the text of *Le Alpi che cingono l'Italia* (1845, p. 494, but not on p. 762), and Mader.⁴⁷ B. Branquin,⁴⁸ V. de Cessole, and Bobba⁴⁹ agree with Mader.

A few words may be added as to the authentic history of the two chief passes we have named—the easterly Passo di Pagari and the Col de la Ciriegia.

In the eighteenth century the *Pagari* crops up under a new name. Paulmy's map (1752) calls it 'Col de Clapier'. In 1777 'de Montannel' (pp. 8 and 244) places the 'Col de [or du] Clapier' between the Tenda and the Finestra. At p. 32, after having described the Finestra at length, he tells us quite clearly that the 'Col de [or du] Clapier' leads from the head of the Gordolasca glen :

En second lieu, nous pouvons porter ledit corps de la vallée de Lantosque sur Vaudier [i. e. Valdieri] et de là sur Démont on sur Coni, en lui faisant prendre sa route par le vallon de la Gourdoulasque, par le col de Clapier, d'où, le faisant descendre dans le vallon d'Entraigues [i. e. of Entraque], nous le pousserions ensuite sur le village de ce nom et de là sur Vaudier etc.: mais, dans ce cas, le susdit corps ne saurait se faire suivre ni par ses équipages, ni par de la cavalerie, attendu que le col du Clapier est très rude et très difficile pour la marche des chevaux.

He sums up the information at his disposal on p. 458 :

Pour aller de Lantosque à Coni on peut se servir de deux différentes routes. La première passe par le col de la Finestra. . . . La seconde passe par le vallon de la Gourdoulasque, par le col du Clapier, par Entraigues, par Vaudier et par Dones. Elle n'est bonne quo pour les gens de pied.

Yet another mention of this pass is made in 1835 by Colonel Huart, who describes it very briefly but quite clearly.⁵⁰ Possibly our pass is really meant by the 'Monti dei Colombo e della Neve', mentioned by Gioffredo (see above). The name 'Col Pagar' appears on the maps of Bacler d'Albe (1799) and of Jomini (1820—that of Raymond, 1820, only marks a track over it). In 1845 the official Sardinian work entitled *Le Alpi che cingono l'Italia* (Turin, p. 494) names the 'Passo di Pagari o dei Gelas di Belvedere'. Finally, the name 'Passo del Pagari' appears in full on the large scale (1:50,000) Sardinian map, this sheet (no. 81, Tenda) having been surveyed in 1856, though not published till 1862, and as 'Passo del Pagarin' on the 1882 1:50,000 Italian map.

The *Ciriegia* is possibly meant by the 'Monte Cireggia' of Gioffredo.⁵¹ It is named 'Col de Cerise' on the maps of Bacler d'Albe (1799) and of Jomini (1820), but 'Col S. Martin' on that of Raymond (1820). In the text

⁴⁷ *Ubi supra*, p. 200, quoting a 'Mémoire local et militaire sur les Alpes Maritimes', written by General Garnier towards the end of the eighteenth century.

⁴⁸ See his detailed article in the 23rd *Bulletin* of the Maritime Alps Section of the French Alpine Club, Nice, 1903, pp. 89, 91; he says that Garnier wrongly gives the name of Col d'Arnova to the plateau, near the lake, 1½ hours on the Vésubie side of the Ciriegia.

⁴⁹ pp. 57, 68.

⁵⁰ *Passages de la chaîne principale des Alpes* (manuscript in the collection of M. H. Duhamel, who has kindly had it copied for me): 'No. 90. Col du Clapier. D'Entraigues sur Roccabigliero par St. Gea' (i. e. the chapel of San Giacomo, at the junction of the two branches of the Gesso d'Entraque).

⁵¹ Col. 31.

of *Le Alpi che cingono l'Italia* (1845) it is given the double name of 'Passo di Arnova o della Ceresa' on p. 494, the latter name only appearing on p. 762. The large Sardinian map prefers the form 'Cerieia', which the 1882 Italian map expands into 'Ciriegia'. It is the chief means of communication between St. Martin-Vésubie and the Baths of Valdieri, these baths being much frequented since the fifteenth and sixteenth centuries.⁵² The Ciriegia is now traversed by an easy mule-path, but the Pagari (though in 1913 the Italian Alpine Club built a shelter-hut on its crest) is distinctly a glacier pass, particularly on the north or Entraque slope.

About midway between the Col di Finestra and the Col della Ciriegia lies the *Col delle Rovine* (8,944 ft.), which may be considered to be a 'variant' of either of the passes above named—its track joins that of the Finestra at the junction of the Rovine and Finestra arms of the Entraque branch of the Gesso, while it detaches itself from that of the Ciriegia some way above St. Martin-Vésubie. It is now well known to climbers, as it leads straight from the last-named village to the Genova Club hut of the Italian Alpine Club, situated at the east foot of the Punta dell' Argentera (10,794 ft.), the monarch of the Maritime Alps. It is a wild mountain pass, fit only for pedestrians, so that we cannot be astonished to hear that it is first indicated on the map of Bacler d'Albe (1799). It is there wrongly named 'Col de Pierre Étroite', receiving its present name only later. In history it is known for the attempt made across it on 31 August 1795 by the Sardinian troops to surprise and seize the village of St. Martin-Vésubie; but this attempt failed, and the Sardinians had to retreat across the col on 2 September to Entraque, whence they had started three days previously. It is said that they numbered 1,200 when they left Entraque, but only 300 when they had to recross the pass.⁵³

A few words must be said about some *cross-passes* all situated on the south slope of our region. We pointed out at the beginning of this section that as the Tinée valley between Isola and St. Sauveur is very deep cut and was nearly inaccessible till a carriage-road was made through it in recent days, travellers had formerly to take a high-level route from Isola to St. Martin-Vésubie by the two easy passes of the *Colle Mercera* (7,664 ft.) and the *Col de Salèses* (6,628 ft.), the former leading into and the latter from the Mollières glen, an affluent of the Tinée. Nowadays practically the entire route over both passes is in Italian territory, as the heads of the Vésubie, Mollières, and Ciastiglione glens were reserved at the time of the cession of 1860, so that this high-level route is now of little real importance since the carriage-road through the main Tinée valley has been constructed. It is pretty certain that in 1388 Amadeus VII, duke of Savoy, and his retinue took this route⁵⁴ from Isola to St. Martin-

⁵² Reynaudi, pp. 151-2. The present writer crossed both the Ciriegia and the Pagari in August 1879 (August 19 and 23 respectively).

⁵³ See Branquin, *ubi supra*, pp. 87-103, and also the shorter notes of F. Mader in the *Rivista Mensile* of the Italian Alpine Club, xx, 1901, pp. 175-6, and xxxii, 1913, p. 199, note 2. Also Raiberti, pp. 256-9.

⁵⁴ Vaccarone, p. 52. Cais de Pierlas, p. 33, makes the duke pass by St. Sauveur and the Val de Blore.

Vésubic, while in 1420 his son, Amadeus VIII, made the journey in the reverse direction.⁵⁵

These two semi-royal passages show that this high-level route was then well known. It is even said that in 1431-8 Paganino del Pozzo constructed a mule-path across these two passes from St. Martin-Vésubic to Isola.⁵⁶ Tracks over the double pass are shown on the maps of Borgonio (1680 and 1772), of de l'Isle (1707) and of Dheulland (1748), while Bourcet's map (1754) gives the name of 'Col de Mercure' and that of Bacler d'Albe (1799) 'Col de Mollières'. Both passes were often included under one name even in descriptions. So in 1775 the marquis de Pezay, who writes of the 'Col de Mercure allant à Ste-Anne'.⁵⁷ So again in 1777, when 'de Montannel' writes: ⁵⁸ 'On va de Molières à Saint-Martin-de-Lantosque en cinq heures. Ce chemin passe par le col du Mercier ; il est fort mauvais pour les chevaux.'

In 1287 we hear of the 'Collem de Saleges',⁵⁹ and on Paulmy's map (1752) of the 'Col de Saleze'. Later two names are given for this double pass: Bourcet's map (1754) has 'Col de Moliere ou de Saleze', and in 1821 the text of Foderé, 'Col de Molieres (col de Salaise)'.⁶⁰ As the Colle Mercera lies near the southern foot of the Testa Malinvern, and thus connects the Mollières and the Ciastiglione glens, it unites the 'parallel' passes of this section with the 'links' (see below) with the Col de l'Argentière route.

Another cross-route must be mentioned, which has considerable military importance as connecting the routes of the Col de Tenda and of the Finestra. This is the *Col de Raus* (6,559 ft.), which traverses the *main watershed* of the Alps, while since 1860 its route lies entirely in French territory, running from Saorge in the Roja valley to Roquebillière, at the lower end of the Gordolasca glen, and a few miles below St. Martin-Vésubic. Its historical and strategical importance is shown by the fact that in 1744 and in 1747 it was occupied by the Sardinian troops,⁶¹ as well as in 1793. A little way to the south of the pass is the strongly fortified post of the Aution (6,824 ft., where in June 1793 the French were repulsed with a loss of a quarter of their number), which itself is a good way north (but always on the same main watershed) of the Col de Braus (3,278 ft.), the last link in the route from the Col de Tenda to Nice. Our pass is frequently alluded to in 1748 by Maulevrier-Colbert (who says that its neighbourhood was even then fortified),⁶² and it is named on Borgonio-Stagnoni's great map of 1772. 'De Montannel',

⁵⁵ Vaccarone, p. 61.

⁵⁶ *Rivista Mensile* of the Italian Alpine Club, xvii (1898), p. 434.

⁵⁷ Duhamel's edition, Grenoble, 1894, p. 93. From the head of the Ciastiglione glen there are passes over to the sanctuary of Santa Anna di Vinadio.

⁵⁸ p. 469.

⁵⁹ Raiberti, p. 294.

⁶⁰ F. E. Foderé, *Voyage aux Alpes Maritimes* (Paris), i. pp. 77, 80.

⁶¹ E. F. de Vault, *Mémoire* (ed. 1892), ii. 137, 171, and 783.

⁶² p. 50 of my manuscript copy.

too, in 1777, fully recognizes its strategical importance, but of course at that day the pass was still in Savoyard territory. At p. 17 he writes :

On peut regarder l'arête de cette partie de la chaîne [i. e. between the Roja and Bevera valleys] comme un amas de rochers environnés de précipices affreux et où les neiges séjournent neuf mois de l'année. On ne trouve dans tout cet espace que le col de Raous et le chemin qui passe au plateau de Pietre-Cave. On peut retrancher et garder le col de Raous avec fort peu de monde. On peut aussi garder des deux cotés le plateau de Pietre-Cave. Lorsque l'ennemi occupe la position d'entre la Roya et la Nervia, il a soin d'avoir des postes au col de Raous et au plateau de Pietre-Cave, et cela dans l'objet de couvrir sa communication avec le col de Tende.

At p. 465 we read : 'On va de Saorgio à Lantosque en cinq heures et demie. Ce chemin passe par le col de Raoux ; il est bon pour les chevaux.' On the next page we are told : 'On va de Boulène [i. e. La Bollène, a little below Roquebillière and St. Martin-Vésubie] au col de Raoux en trois heures ; bon pour les chevaux.'

Thus the Raus is one of those passes which *must* be occupied by the defending force, so as to prevent this link between the two great routes of the Tenda and the Finestra falling into the hands of an enemy. Hence its military and therefore historical importance. For this reason its neighbourhood has been strongly fortified by the French, who have held it since 1860, and it must all the more be guarded as only a little way to its north runs the actual Franco-Italian frontier.

V.

As noted above, we selected the Testa Malinvern (9,643 ft.), rising on the main watershed of the Alps, as the starting-point of our division between the 'parallel' (or 'variant') and the 'link' passes of the Col de Tenda region. To the north-east of that peak a short lateral ridge separates the Gesso glen from the main Stura valley, while to the south of the same summit another lateral ridge forms the division between the Ciastiglione glen on the north, and the Mollières glen on the south. The Ciastiglione glen runs up from Isola, in the main Tinée valley, to the Colle Mercera (leading over to Mollières), and to the Bassa di Druos (9,629 ft.), by which the baths and town of Valdieri can be reached directly from the main Tinée valley, without making the round by St. Martin-Vésubie. This glen, then, forms our topographical frontier. It was also long an administrative frontier, for the 'vicariate' of Barcelonnette included not merely the Ubaye valley, but also the Tinée valley down to Isola, as

well as the Var valley above Guillaumes and the Verdon valley above Colmars. This administrative frontier is clearly marked on Jaillot's map of about 1690, and dates from 1559.⁶³ Naturally this and the other 'vicariates' were simply divisions of the county of Nice, which thus stretched across the mountain ridges in order to include the valley of the Ubaye or of Barcelonnette. Thus the head of the upper Tinée valley was more intimately connected with Barcelonnette than with Nice, and, if it is true that the 'vicariate' of Barcelonnette included also the upper Stura valley, it would comprehend the whole of the region we are about to study.

We have defined 'links' as meaning the passes the routes of which touch those of the main great historical pass at some spot or spots between the starting-point and the end-point of that main route. Of course these 'link' passes may connect with both slopes of the main pass. This is the case of those leading from the upper Tinée valley, whence one can reach either the Stura valley or the Ubaye valley.

Let us first consider the main watershed of the Alps, stretching from the Testa Malinvern (9,643 ft.) to the Rocher des Trois Évêques (9,390 ft.), and thus forming the south boundary of the Stura di Demonte valley, the principal town in the middle reach of which is Vinadio. Rather above this town, but still some way *below* the dreaded gorge of the 'Barricades', the main Stura valley is joined by two lateral glens, that to the east boasting of the sanctuary of Santa Anna, while that to the west shelters the baths of Vinadio. There are thus special reasons why the passes from the upper Tinée valley towards Vinadio should be known and frequented, whether because of the well-known piety of the inhabitants of the village of St. Étienne de Tinée, or because of the healing waters of the baths, or for strategical considerations.

Now, by a topographical curiosity, all the passes leading from the Tinée valley to the sanctuary of Santa Anna start from the Ciastiglione glen.⁶⁴ The lowest and most convenient of these passes is the *Colle di Sant' Anna* (7,605 ft., Isola being at a height of 2,894 ft., and the sanctuary about 6,595 ft.). This pass is mentioned under the name of the 'Monte di Sant' Anna' by Gioffredo (1629-92) who tells us⁶⁵ that,

⁶³ J. J. M. Feraud, *Histoire et Géographie des Basses-Alpes* (Digne, 1890), p. 211, says that Barcelonnette was made part of the county of Nice in 1559, after it had been restored to Savoy by the treaty of Cateau-Cambrésis by France, which had held it from 1536 to 1559. But Gioffredo dates the foundation of the vicariate of Barcelonnette in 1325 (col. 732). See also the *Rivista Mensile* of the Italian Alpine Club, xvii (1898), p. 432.

⁶⁴ This glen thus boasts of passes leading to the Mollières glen, to the Gesso glen, and to the baths and sanctuary of Vinadio glens. Save its very lowest bit, just above Isola, this glen is also now wholly Italian, though on the 'wrong' side of the watershed. The present writer was able to notice these points when passing through it on 12 August 1870, on his way from Isola to the baths of Valdieri by the Bassa di Druos, a great royal hunting-path first leading him erroneously to the Colle Mercera.

⁶⁵ Col. 28.

annexed to the ancient chapel, there was a small residence for a single hermit, who, when fresh snow rendered it impossible to find the track, was accustomed to ring the bell of the chapel in order to guide wandering pilgrims. A track over the pass is marked on Borgonio's map (1680) and on those of Jaillot and of Danckerts (both about 1690). It was also of great military importance, especially since easy passes lead to the upper Tinée valley as well from Barcelonnette as from the upper valleys of the Var and of the Verdon. Hence in 1744 it was crossed (like its neighbours of Barbacane and Fer) by Franco-Spanish troops, executing the famous enveloping march by which the Sardinian troops were forced to retire from the famous 'Barricades' in the Stura valley, above Vinadio, and to retreat towards Cuneo.⁶⁶ In 1748 Maulevrier-Colbert tells us that it was crossed in 1744 by the general of the Franco-Spanish troops, the marquis de Castellar, coming from Péone by the Col de Crous and meaning to turn the Argentière.⁶⁷ He gives the earliest known description⁶⁸ of our pass :

D'Isola au col Ste. Anne on monte pendant une heure et demy ; on ne trouve aucune habitation sur le sommet, d'où l'on descend jusqu'à la Chapelle de Ste-Anne, auprès de laquelle il y a beaucoup de maisons. Les bêtes de charge passent par le chemin de la Chapelle de Ste-Anne ; on continue sur la même pente à descendre jusqu'à la Sture ; de la Chapelle à Vinay il y a deux heures à descendre ; de Vinay pour aller aux Barricades il faut passer à Sambuc.

Our pass is also mentioned in 1752 by the marquis de Paulmy⁶⁹ and in 1775 by the marquis de Pezay,⁷⁰ the latter insisting on its utility in turning the 'Barricades' above Vinadio on the Argentière route. In 1777 'de Montannel' states that Franco-Spanish troops were actually sent by this pass in 1744 in order, to turn the 'Barricades', thus forcing the king of Sardinia to abandon the upper Stura valley.⁷¹ Later on he describes the pass more in detail (p. 459) :

On peut encore aller de Guillaume [in the Var valley] à Démont [in the Stura valley] en passant par Péones, le col de Croux, Saint-Étienne, Douvence [between St. Étienne and Isola], le col de Sainte-Anne, les bains de Vinay [a mistake for the Sanctuary], les Planches et Aison. Cette route n'est mauvaise pour les chevaux qu'au col de Sainte-Anne ; il faut dix-sept heures pour la parcourir, et les neiges la tiennent fermée au col de Sainte-Anne jusqu'à la mi-juillet.'

On p. 469 he remarks :

On va d'Isola aux Planches-de-Vinay en sept heures. Ce chemin passe par le col de Sainte-Anne ; il est très rude et très difficile pour les chevaux.

For those desiring to go from the Tinée valley to the baths of Vinadio the easiest (and therefore historically the most important) pass is the *Passo di Collalunga* (8,531 ft. ; a little to its north-west is a 'variant', the Col de la Barbacane, 8,501 ft.). It is also topographically important, for here the *political* frontier (which had quitted the main watershed

⁶⁶ Marquis de Saint-Simon, *Histoire de la Guerre des Alpes, ou Campagne de 1744* (Amsterdam, 1760), pp. 62-3, 69 ; E. F. de Vault, *Mémoire* (ed. 1892), i. 190 ; Perreau, ii. 162. In 1747 our pass was occupied by the Sardinians, who thus recognized the mistake they had made in 1744 (E. F. de Vault, i. 641, ii. 780).

⁶⁷ pp. 60 and 69 of my manuscript copy.

⁶⁸ p. 228.

⁷⁰ pp. 88 and 91.

⁶⁹ p. 64.

⁷¹ pp. 28 and 33.

of the Alps at the Cima del Diavolo, 8,816 ft., rather north of the Col de Raus) rejoins the main watershed, which it thenceforward follows for a great distance. It is even said that between 1431 and 1438 Paganino del Pozzo constructed a mule-path across this pass.⁷² A track over it is certainly marked on several of the older maps, such as those of Sanson (1665); of Borgonio (1680—the 1772 edition gives the name ‘Col della Lunga’), and of Jaillot (about 1690). In 1777 ‘de Montannel’ speaks several times of our pass, generally coupling it with its more westerly neighbour, the Col de la Barbacane (8,501 ft.), and the Col de Sainte-Anne, as having been occupied or crossed by the Franco-Spanish troops in 1744.⁷³ He also gives (p. 469) the following itinerary across it :

On va de Saint-Salvador à Pralongue dans la vallée de l’Esthure en huit heures. Ce chemin passe par le col de Colelongue ; il est très rude et très difficile pour les chevaux.

But here ‘Saint-Salvador’ must be a slip for ‘Saint-Étienne’, as St. Sauveur is far below Isola, while ‘Pralongue’ is ‘Prattolungo’, close to but just above the town of Vinadio.

Let us hear the opinion of ‘de Montannel’ as to the *non-occupation* of the three passes of Sainte-Anne, of Barbacane, and of Collalunga by the Sardinians in 1744 (p. 33) :

Je n’ai jamais pu comprendre comment ce prince [the king of Sardinia] avait pu négliger d’élever quelques bouts de retranchements sur les avenues desdits cols ; il n’ignorait pas que nous occupions le comté de Nice et que, de là, nous pourrions déverser par ces mêmes cols dans la vallée de l’Esthure et conséquemment tourner les Barricades qui étaient sa principale position.

It will be noticed that all these ‘Vinadio’ passes reach the Stura valley some way *below* that terrible⁷⁴ gorge of the ‘Barricades’. But those crossing the main chain more to the north-west attain the same valley *above* this obstacle, so that in 1744 these passes too were crossed in order to drive out the king of Sardinia’s troops—it must be recollected that in 1713 *both* slopes of the Col de l’Argentière became French.

Beyond the Passo di Collalunga the main watershed rises considerably in order to form the mass of the Mont Tinibras (9,948 ft.), the highest summit of the Maritime Alps rising on the *crest* of that chain, next after the Mont Clapier (9,994 ft.), far to the south-east. This snowy group was naturally of no practical utility from the military point of view. But to its north-west are first the Col du Fer (8,366 ft.) and then, at the very foot of the Rocher des Trois Évêques, the Col de Pourriac (8,222 ft.).⁷⁵ The routes of both (the latter is now traversed by a mule-track) start from the very head of the Tinée valley, and debouch by short glens into the Stura valley, the former at Preinardo, just above the

⁷² *Rivista Mensile* of the Italian Alpine Club, xvii (1898), p. 434.

⁷³ pp. 28, 33.

⁷⁴ This reputation is really a deception, as the writer found when traversing the defile on 22 June 1883. The gorge was forced in 1515 by the troops of Francis I, but was turned by a path above it on 18 June 1744.

⁷⁵ We shall see presently that the Pourriac is close to the passes leading from the Tinée valley to Barcelonnette, while from it there is no difficulty in attaining the Col de l’Argentière itself, or the passes between it and the Rocher des Trois Évêques.

'Barricades', and the latter at Argentera, the highest village in the Stura valley.

The *Col du Fer* is named both on the maps of Bourcet (1754) and of Borgonio (1772). It is often mentioned by the French military topographers writing after the campaign of 1744. In 1748 Maulevrier-Colbert says of it: ⁷⁶ 'le chemin [on the Stura side] est très mauvais, mais il l'est moins que le meilleur des deux qui viennent de Vins [i. e. Vens, on the Tinée side] au col de Fer.' In 1760 Saint-Simon writes: ⁷⁷ 'le col de Fer auquel on n'a donné ce nom que par la difficulté dont il est.' In 1775 Pezay simply mentions our pass twice.⁷⁸ But in 1777 'de Montannel', as usual, besides mentioning it several times, is more detailed (p. 470):

On peut aussi aller de la Pistola à Brézès [i. e. Bersezio, above the Barricades] par Ferrière en passant par le col de Fer, mais à pied seulement; il faut cinq heures et demie. Du même col de Fer on peut descendre sur le Pont Bernard [below the 'Barricades'] en deux heures, mais à pied seulement.

Thus our pass was specially important as from it one could reach the Stura valley at will either above or below the 'Barricades'. It was perhaps for this reason also that the *Col de Pourriac* (8,222 ft.) was crossed in 1747 by the French troops,⁷⁹ and so appears on Bourcet's (1754) and Borgonio's (1772) maps. Possibly named in 1752 by the marquis de Paulmy under the name of 'Auriac',⁸⁰ and certainly in 1775 by the marquis de Pezay under that of 'Pourriac',⁸¹ it perhaps bears in de Montannel's text (p. 8) the name 'Col de Salcemorène' from the name of the little plain of Salza Moreno, at the very head of the Tinée valley. Bourcet's text (published only in 1801, but dating much earlier) alludes to it under the name of 'Dauriac'.⁸² In 1800 Brossier⁸³ emphasizes the military importance of the pass:

Ce col est situé sur l'ancienne ligne qui séparait la province Coni du comté de Nice (aujourd'hui limite entre le Piémont et le Département des Alpes-Maritimes). Il communique de Pratz (Département des Alpes-Maritimes) à l'Argentière, en descendant le vallon de Pourriac, et de là à Brézès. Practicable à pied seulement, il paraît que sa plus grande utilité serait d'établir une correspondance assurée entre les troupes françaises qui auraient franchi le col de l'Argentière, et celles qu'on tiendrait dans le Département des Alpes-Maritimes, avec l'intention d'agir sur Coni.— Il existe encore au col Pourriac un baracon ou corps de garde construit par les Piémontais.

We must go on to 1835 in order to find a detailed notice of our pass, which Colonel Huart then describes as follows: 'No. 84. Col de Pourriac. Mène de l'Argentière à Pratz, Saint-Étienne, et Isola, vallée de la Tinée; de l'Argentière à Pratz, il faut 3½ heures. Le col est en terres Sardes. Practicable aux mulets.' 'Pratz' is 'Le Pra', a small hamlet between Vens and Salza Moreno, and the meeting-point of many mountain routes leading to the Ubaye or to the Stura valleys.

As the Col de Pourriac lies close to the south-east foot of the Rocher

⁷⁶ p. 67 of my manuscript copy.

⁷⁷ p. 63. But the 1748 writer prefers, rightly, to derive its name from the iron found on it.

⁷⁸ pp. 88 and 93.

⁷⁹ Vault, *Mémoire*, ii. 673.

⁸⁰ p. 82.

⁸¹ pp. 49, 88, and 93.

⁸² pp. 78, 171, and 326.

⁸³ pp. 43-4 of my manuscript copy.

des Trois Évêques, we reach, with this pass and this peak, the most northerly point of the Col de Tenda region, as well as of the portion of the main watershed of the Alps therein comprised. We must now turn our attention to the great *lateral* ridge running south-west from the Rocher and separating the valley of the Ubaye or of Barcelonnette from the Three Seaward Valleys of the Tinée, of the Var, and of the Verdon. This lateral ridge was completely Provençal till 1388, when both slopes became Savoyard. In 1713 its north slope became French, as did its south slope in 1860. But being a lateral ridge it was naturally never so important historically as the main watershed, and hence its recorded history is much briefer, though in this case we have the advantage of the great French topographical writers, who for the most part wrote after Barcelonnette had become French.

Let us first consider the *Tinée valley*, the most easterly of the Three Seaward Valleys, and, as it is the closest to the main watershed and political frontier, the most important practically and historically. At its extreme head it splits up into a number of little glens, which lead to the north and to the west to different points in the Ubaye valley (not to speak of the easy passes giving access to the head of the Var valley on the west). All the ridges at the upper end of these little glens are easily passable, so that it is not always easy to distinguish which passes exactly are meant by our authorities. It will therefore be clearer if we divide them into three groups leading respectively to a spot high up on the Barcelonnette side of the Col de l'Argentière, to Jausiers, or (some six miles lower) to Barcelonnette itself, in each group speaking only of the main pass.

The first pass is that just south-west of the Rocher des Trois Évêques, and leads down to the Argentière route some way above the first hamlet on the Ubaye side. Its itinerary on the Ubaye side runs parallel with the main watershed or political frontier, while on the Tinée side it is easily combined with the Col de Pourriac,⁸⁴ so that in this fashion it is easy to turn the Argentière itself. This pass (8,763 ft.) is usually known as the *Pas de la Mule* or the *Col de Lauzanier*. A track across it, with the double name of 'Col de Lauzanier ou de la Mule', is marked on Bourcet's map of 1754, but that of Borgonio (1772) has a track only, attributing the name 'Col de la Mula' to the next pass to the west, though in 1787 Capitaine's map of Dauphiné has the name 'Col de Lauzanier'. In 1721 La Blottière speaks of it under the odd name of 'Col de Jausiers', assuring us that it can be passed on horseback, and that it joins the Argentière route near the top of that pass, where there is a plain and also many pastures.⁸⁵ Paulmy, in 1752, mentions it under the name of 'Col de Lauzanier'.⁸⁶ But in 1775 Pezay (p. 49) gives also the name of 'Col de la Mule', adding that it joins the Argentière route at Maison Méane, the highest hamlet, while in 1777 'de Montannel' writes of it as the 'Col de Lauzanier, surnommé de la Mule',⁸⁷ this

⁸⁴ Pezay, p. 49: 'Il y a un chemin au bas du col de Lauzanier, du côté de la vallée de Saint-Étienne, qui, remontant au nord, passe au col de Pourriac, au vallon du même nom, et va à l'Argentière.'

⁸⁵ pp. 115 and 119.

⁸⁶ pp. 77-8.

⁸⁷ p. 48.

double name appearing also in Brossier (1800)⁸⁸ and Huart (1835).⁸⁹ Huart, however, is quite sure that it is accessible on foot only (though none of these writers give any detailed description of the route over this pass). This seems to be the case to-day, as 'Joanne' gives a rather alarming account of its passage.⁹⁰ The French and Italian government maps name it 'Pas de la Cavale'. Since 1860 it is, of course, entirely within French territory, as are all the other passes of which we now proceed to speak.

The next important pass to the west is that officially known (French and Sardinian government maps) as the 'Col de Vermillon' (8,242 ft.) and also as the 'Col de Pelouse', though its popular name is the *Col des Granges Communes*, from the glen on the Ubaye slope. It is almost the lowest of all the passes in the great ridge we are studying, so that, though it leads to the Ubaye valley at Jausiers, and not direct to Barcelonnette (six miles lower down), it is now, and probably always has been, the chief means of communication between the Tinée and the Ubaye valleys. Paulmy's (1752), Borgonio's (1772) and Capitaine's (1787) maps all give the name 'Vermillon' (like the French government map), but Bourcet's (1754) prefers that of 'Granges Communes'. It is pretty certain that in 1388 Duke Amadeus VII of Savoy and in 1420 his son, Amadeus VIII, crossed this pass on their way to or from Nice, though it is possible that their pass was the slightly lower Col de la Moutière, some way to the south.⁹¹ A good mule-path now crosses it as well as the telegraph wires.⁹² In 1752 Paulmy⁹³ uses the name 'Col de Vermillon', but Pezay⁹⁴ employs that of 'Granges Communes'. In 1777 'de Montannel' is rather confused. At p. 48 he distinguishes the Col de Vermillon from the Col de Cavalette, but at p. 483 he writes that the Col de Cavalette leads to Jausiers and that it is scarcely passable by horses. Yet at p. 455 he reckons the Cavalette as on the *main* route from Nice to Jausiers, though adding that it is 'très rude et très difficile pour les chevaux, en sorte qu'une troupe qui en voudrait faire usage serait obligée de réparer d'avance le col de Cavalette'. Possibly he is really thinking of the Col de la Moutière (of which anon), but this leads direct to Barcelonnette and does not touch Jausiers. In 1800 Brossier⁹⁵ uses the name 'Granges Communes'. But Bourcet's text (published in 1801, but dating about 1750) prefers the name 'Vermillon', though stating that it is 'très praticable pour les chevaux'.⁹⁶ In 1835 Huart gives the names 'Cols de Laus ou des Granges Communes' and states⁹⁷ that, like its neighbours, it is 'assez difficile pour les mulets', though with a slight amount of labour one can take horses across.

Now we come to the third principal pass leading from the Tinée valley to that of the Ubaye, officially known as the *Col de la Moutière* (8,025 ft.),

⁸⁸ p. 43.

⁸⁹ *Dauphiné* (1910), pp. 576-7.

⁹¹ Vaccarone, pp. 51 and 61.

⁹⁰ pp. 78 and 81, though at the former reference he seems to distinguish the Col de Pelouse from our pass, perhaps meaning the Pelousette, between our pass and the Lauzanier.

⁹² p. 43.

⁹³ pp. 77-8, 170, and 326.

⁹⁴ Nos. 83 and 193.

⁹⁵ Joanne, p. 579.

⁹⁶ p. 49.

⁹⁷ No. 196.

but also as the 'Col de Planton' (so the old Sardinian map) and the 'Col de Cavalete'. It has the advantage of leading straight down to Barcelonnette, and also of being the lowest pass in the great ridge we are studying. The older maps (Borgonio, 1680 and 1772, Jaillot, about 1690; and Dheulland, 1748) all clearly give it the name of 'La Cavalette' (with diversities of spelling), and this fact alone shows that it was well known as early as the seventeenth century. Possibly it was crossed by the dukes of Savoy in 1388 and in 1420. Our texts as to this pass are remarkably scanty, probably because the Col des Granges Communes was the favourite pass. But in 1754 Bourcet's map, in 1775 Pezay's,⁹⁸ and in 1800 Brossier's⁹⁹ texts give the name 'Col de la Moutière'. Nowadays a good mule-path crosses this pass.¹⁰⁰ In all probability the older writers did not clearly distinguish between the passes leading to Jausiers and those giving access direct to Barcelonnette. To us the exact pass traversed in 1388, in 1420, or by the natives is of no great importance. The fact remains that as early as 1388 a semi-royal person did go from the valley of the Ubaye to that of the Tinée, and if he did so then many smaller personages must have done so. Nowadays St. Étienne de Tinée is the chief village near the head of the Tinée valley. It is said to be named in old documents as early as the eighth century, and was formerly a flourishing manufacturing centre (cloth), as well as prosperous by reason of the great transit trade (salt, &c.), between Nice and Barcelonnette. But after Barcelonnette became French, in 1713, smuggling across the frontier replaced legitimate trade, and St. Etienne sank more and more in importance as in numbers.¹⁰¹

Let us now turn our eyes to the west in order to study the central valley of our Three Seaward Valleys—that of the *Var*, which ends in the sea rather south-west of Nice. Thus it offers the most direct route from Nice to Barcelonnette, for the Tinée valley involves a détour to the east, while on the west the Verdon valley suddenly turns due west, joining the Durance near Sainte-Tulle, and only so reaches the sea. Here we have only to consider the upper reach of the *Var*, when it is still a mountain stream, at and above the small town of Guillaumes.¹⁰² Thence branches off to the east the route past Péone and over the Col de Crous (7,238 ft., now traversed by a mule-path) to the St. Étienne or upper bit of the Tinée valley—this route was taken in 1744 by the Franco-Spanish troops, as we noted above.¹⁰³ Rather higher up the valley of the *Var* is the village of St. Martin d'Entraunes, whence to the west the low and easy pass (now

⁹⁸ pp. 48 and 93.

⁹⁹ p. 43.

¹⁰⁰ Joanne, *Dauphiné*, p. 585.

¹⁰¹ See V. de Cessole's notes in the 14th *Bulletin* of the Maritime Alps Section of the French Alpine Club (Nice, 1894), pp. 40-1.

¹⁰² The fortress and town of Guillaumes had been left to Provence by the treaty of Utrecht (1713), but by that of 1760 was detached from Provence and incorporated with the county of Nice, i. e. with Sardinia, it being stipulated that the fortress should be dismantled (Perreau, ii. 215-16).

¹⁰³ Maulevrier-Colbert, p. 60; 'de Montannel', pp. 459, 474.

traversed by a carriage-road) of the Col des Champs (7,189 ft.) leads over to the fortified town of Colmars in the Verdon valley. A steeper ascent leads to the uppermost bit of the Var valley, whence the easy Col de Jallorgues (8,298 ft.) gives access east to St. Étienne de Tinée, while to the west the Col de la Petite Cayolle (8,672 ft.) leads to Allos at the head of the Verdon valley. At the extreme head of the Var valley is the broad level opening of the *Col de la Cayolle* (7,717 ft.), by which Barcelonnette is reached direct. A carriage-road has long run far up the Var valley and has recently been continued right over the pass just named to Barcelonnette. Hence the upper valley of the Var forms the direct route between Nice and Barcelonnette, while easy passes connect it with the Tinée valley to the east, and with that of the Verdon to the west. Thus it possesses great political, military, and commercial importance.

The pass at its head attracted the attention of many of the old writers who tell us so much about this region, especially as, from the head-waters of the Var, it really is the one means of communication between Nice and Barcelonnette (the parallel, but much higher and more easterly, Col de Sanguinière, 8,521 ft., is not a serious rival). Pietro Gioffredo (1629-92) mentions it under the name of 'la Cagliola',¹⁰⁴ and that name, with various spellings, has always clung to it. A track is marked over our pass on the maps of Borgonio (1680 and 1772), of Jaillot and of Danckerts (both about 1690), and of Dheulland (1748). Paulmy's map (1752) gives the name 'Calliole', which Bourcet's (1754) turns into 'Caillole' and Capitaine's (1787) into 'Cayole'. In 1709 the Duke of Berwick writes: ¹⁰⁵ 'Ma ligne à droite passoit par la vallée de Barcelonnette, et tomboit de là par le col de la Caillolle [*sic*], dans la vallée d'Entraume [*sic*], où le Var prend sa source.' In his text Paulmy (1752) simply mentions it twice ¹⁰⁶ under the name of 'Caillole', though in 1775 Pezay says rather more about it ¹⁰⁷ under the name of 'Caïole'. But as usual 'de Montannel' (1777) helps us more. At pp. 34 and 38 he calls it 'Col de Caillote' (*sic*), but at p. 48 'Grande-Caillote' (having mentioned the Petite-Caillote on p. 43), the latter form appearing also on pp. 58 and 60. But on p. 455 he adopts the form 'Caillole', telling us that 'cette route est bonne pour les chevaux et un bataillon peut la parcourir en cinq bonnes marches'. On p. 471 we learn that the 'Col de la Grande-Caillole est fort bon pour les chevaux'. The same name is used on p. 478, where it is said to take 17 hours to go by this pass from Entrevaux to Barcelonnette; 'elle est bonne pour les chevaux, mais impraticable, à cause des neiges du col de la Caillole, huit à neuf

¹⁰⁴ Col. 30.¹⁰⁶ pp. 78, 227.¹⁰⁵ *Mémoires*, Paris, 1780, ii. 67.¹⁰⁷ P. 50.

mois de l'année'. In 1800 Brossier¹⁰⁸ uses the form 'Caïolle', but merely mentions the pass. But Bourcet's text (published in 1801, but dating about 1750) always uses that of 'Grande Cayolle'.¹⁰⁹ Finally, in 1835, Colonel Huart is more detailed: ¹¹⁰

'Col de la Caillolle (bon pour chevaux) de la vallée de Barcelonnette à Entraunes par Fours, Péones et les sources du Var. 7 heures de Barcelonnette à Entraunes. C'est la principale communication du camp de Tournoux¹¹¹ avec le Var, quand on est maître des sources de cette rivière.'

Yet, though such a direct route, our pass is only just beginning to assert its real topographical importance—that is, since the carriage-road was made over it. Previously it was found more convenient to go from Barcelonnette by the lower Col d'Allos to Colmars, and then reach the Var valley by the Col des Champs, thence either going down the river to Nice or across the Col de Crous (or the higher Col de Pal, 7,217 ft.) to the upper Tinée valley.

It is really curious to see how the uppermost bit of each of our Three Seaward Valleys presents us with varying difficulties. In the case of the Tinée valley we were perplexed by the multiplicity of passes leading from its highest reach, while in that of the Var we found matter much simpler; but the route, though much more direct, was yet only of comparatively recent importance. When we pass to the head of the *Verdon* valley we find that, as it is only a seaward valley not directly communicating with the sea, our notice may be confined to its very highest bit, from Colmars upwards. For not merely, as just pointed out, did the historical route from Colmars lie over the Col des Champs to the Var valley and thence across the Col de Crous to that of the Tinée, but also the now frequented pass over the watershed between the Ubaye and the Verdon (the Col d'Allos or de Valgelaye, 7,382 ft.) replaced the old historical pass of the Col de la Sestrière, to its north-west, and west of the peak of the Sestrière—the Col de la Sestrière (8,202 ft.), over which Berwick made a road as early as 1704 or 1709. The older maps and writers mention the Col d'Allos as well as the Col de la Sestrière!—thus causing great confusion. It will therefore be clearer to narrate the history of these two passes separately.

Let us first, however, clear off our oldest maps, which only mark a track from Barcelonnette to Allos, giving no name to the pass, and thus, owing to their vague topography, leaving it uncertain which of the two passes they really mean to indicate—such is the case with the maps of Borgonio (1680; the 1772 edition is identical), of Jaillot (about 1690), and of Dheulland

¹⁰⁸ p. 43.

¹⁰⁹ pp. 77, 239, 326.

¹¹⁰ No. 200.

¹¹¹ The famous fortress in the Ubaye valley, between Jausiers and St. Paul, of which we hear much in connexion with the Col de l'Argentière.

(1748). But those of Paulmy (1752), of Bourcet (1754), and of Capitaine (1787) indicate both passes by their proper names. It should also be noted that even to-day the district ('canton') of Allos still forms part of the 'arrondissement' of Barcelonnette, although Allos lies on the south slope of our two passes and occupies the head of the valley of the Verdon. This bit of historical geography is simply a survival of the older state of things (since 1559) by which the 'vicariate' of Barcelonnette extended across the watershed forming the southern limit of the Ubaye valley.

(a) As for the *Col d'Allos* or *de Valgelaye*, Gioffredò, our earliest authority in all these historical matters, completely fails us, for he mentions neither pass, though he does name the village and the lake of Allos and the Verdon river.¹¹² Paulmy, in 1752, alludes to the 'Col d'Aloz' as distinct from the 'Col de la Cestrière',¹¹³ but gives no information as to either, while Pezay, in 1775, simply says of our pass that it leads into Provence, dwelling rather on its rival.¹¹⁴ But as usual our faithful 'de Montannel' in 1777 helps us much. At p. 43 he mentions the 'Col de Saint-Pierre-d'Alloz', and at p. 45 states that the 'Col d'Alloz' is the pass usually adopted, for it is rather shorter than the 'Cestrières', and on p. 58 again mentions the 'Col d'Alloz' as the principal pass. On p. 59 he explains that, if it is necessary to transport troops from Tournoux or Barcelonnette to Toulon, the 'Col d'Alloz'

est la moins longue de toutes, mais en même temps la plus mauvaise pour les bêtes de charge; d'ailleurs elle n'est praticable, à cause des neiges qui s'amassent au col d'Alloz, que trois mois et demi de l'année.

On the same page our pass is again recommended as the best route from the Ubaye valley to Nice. A fuller notice is given on p. 405 of his work:

Ce chemin est rude et bordé de précipices. Les chevaux y passent. Il est même beaucoup plus fréquenté que celui qui traverse le col de Cestrières, par la seule raison qu'il est beaucoup plus court, puisqu'il ne faut que cinq heures pour le parcourir. C'est par le col d'Alloz que nous devons établir notre communication du camp de Tournoux avec la position de Saint-Laurent du Var, etc.

Once more, on p. 478, we read:

Le col d'Alloz est praticable pour les chevaux, mais on n'en peut faire usage, à cause des neiges qui s'amassent au col d'Alloz, que trois mois et demi de l'année; il faut huit heures.

Finally, on p. 481, he writes:

On va de Barcelonnette à Colmars en huit heures; bon pour les chevaux; ce chemin passe par le col d'Alloz; il est rude et dangereux pour les

¹¹² Cols. 30, 44, and 46.

¹¹³ pp. 78 and 82.

¹¹⁴ p. 50.

chevaux ; cependant c'est par là que se fait la principale communication de Barcelonnette, Jausiers et le camp de Tournoux à la ville de Colmars.

Bourcet's account (published in 1801 only, but probably dating about 1750) mentions the 'Col d'Allos' at p. 76, and at p. 331 repeats that name, but there and on pp. 74-5 distinguishes it from the 'Col de Vergelaye'. Some confusion seems to reign as to these names, according to Colonel Huart, in 1835. He first describes (no. 201) a pass from Barcelonnette to Entraunes, which he names in his text 'Col de Chancelay ou de Peyre', but in his marginal note 'Col d'Allos ou d'Esting', remarking, 'ce chemin, praticable aux mulets peu chargés, est rude et parfois dangereux'. Then (no. 202) he describes the 'Col de Chancelaye ou de Peyre', noting that 'M. de Bourcet l'appelle aussi col d'Allos'. Of this pass he says that it is good for horses and on the line of communication between Barcelonnette and Colmars, the distance being estimated at seven hours, adding, 'c'est la communication qu'on suit pour aller du camp de Tournoux au Var, quand on ne peut pas prendre le col de Caillolle'. For him this pass is better than the Sestrières, described under no. 203.¹¹⁵ In 1892 a good carriage-road was constructed across our pass, the distance from Barcelonnette to Colmars being about twenty-seven miles.

(b) To English readers the remote pass of the *Col de Sestrières* or *de la Sestrière* is of interest, as a road (ten feet in width) was constructed across it in 1704 (? 1709) by the duke of Berwick, commander-in-chief of the French army of the Alps—in contemporary memoirs he is described as 'un grand diable d'Anglais sec, qui va toujours droit devant lui'.¹¹⁶ This road left the present road over the Col d'Allos near the Chanavel huts on the Allos side, and then mounted north-west past the Sestrière hut to the pass, which is situated to the north-west of the peak named Sestrière, 2,518 m., on the French government map (this name *really* belongs to the higher peak, 2,571 m., rising north-west of the pass). Then, in order to avoid the deep descent into the Bachelard glen, our road kept high up over pastures nearly due north in order to cross another pass, 2,329 m., 7,641 ft. (now named 'Col Berwick'), which is to the west of the point named La Maure, 2,481 m., on the French government map (its proper name is 'Peguiéou'), descending thence, always in a northerly direction, to the village of Les Thuiles in the Ubaye valley, and some $4\frac{1}{2}$ miles below Barcelonnette. It is said that

¹¹⁵ The Chancelay huts are some way down on the Ubaye side of the pass, higher up on the same slope being those of Vergelaye, named on the French government map. Bourcet's map distinguishes between the 'Col d'Aloz' and the 'Col de S. Peire'.

¹¹⁶ Perreau, ii. 43.

it is still possible (especially on the north side) to trace the line of this track, now half covered by the grass.¹¹⁷ We next hear of this pass in La Blottière's *Mémoire* of 1721, the triple mention in which (under slightly varying names) must be given at full length, as two of them refer to the historical passage of 1707, naturally very fresh in the memory of one writing in 1721. On p. 45 he writes :

On peut aussi, du camp de Tournoux, aller à Toulon et dans la basse Provence par un chemin fort court passant au col de la Cestrière à Colmars et à Castelanès ; c'est par ce chemin où plusieurs régiments d'infanterie passèrent en 1707 pour aller au secours de Toulon, et pour en revenir.

On p. 116 he gives more details :

Col de Cestrières, au-dessus de la petite ville de Barcelonnette, praticable aux chevaux, va à Colmars en Provence. De la ville de Colmars à celle de Barcelonnette il faut 8 heures en passant au village d'Alos. C'est par ce chemin qu'on fit passer des troupes en 1707 pour aller au secours de Toulon.

Finally, at p. 120, he simply mentions the ' Col de Cestrière '. As we have already noted, Paulmy, in 1752, makes a passing mention of the ' Col de la Cestrière ', of which, in 1775, Pezay writes as follows :¹¹⁸

Le col de Sestrières, bon à cheval, allant à Colmars en Provence, et au village de Tuilles [4½ miles west of Barcelonnette] sur la rive droite de l'Ubaye, vallée de Barcelonnette, par le col de Gimet. . . . Du col de Sestrières à Colmars cinq lieues et demie. Ce fut par ce chemin qu'on fit passer des troupes, en 1707, pour aller à Toulon.¹¹⁹

' De Montanel ', in 1777, speaks of our pass several times, giving many details regarding it. On p. 40 he writes :

L'arête qui sépare la tête de la vallée où coule le Verdon d'avec la vallée de Barcelonnette est extrêmement élevée et en grande partie garnie de pointes de rocher ; on y voit plusieurs cols, mais le meilleur pour les chevaux est celui de Cestrières. Tous ces cols, au reste, ne sont praticables à cause des neiges que depuis le mi-juillet jusqu'aux premiers jours d'octobre : elles séjournent même plus tard sur celui de Cestrières.

An allusion on p. 43 is followed by another description on p. 45, contrasting our two passes :

La meilleure communication qu'il y a de Colmars et de Castellane à la ville de Barcelonnette passe par le col de Cestrières ; mais, pour l'ordinaire,

¹¹⁷ As to it see F. Arnaud's two works, *La Vallée de Barcelonnette* (Grenoble, 1900), pp. 97 and 109, and *L'Ubaye et le Haut-Verdon* (Barcelonnette, 1906), pp. 121-2, 125, and especially the two sketch-maps on pp. 84 and 152. It was certainly passable for carriages and was 10 ft. in width (Arnaud, i. 97). ¹¹⁸ pp. 50-1.

¹¹⁹ Pezay (p. 50) distinguishes the ' Col de Saint-Peire ' from both our passes.

on fait usage de celle qui passe par le col d'Allos à cause qu'elle est un peu plus courte.

A much fuller notice is to be found on p. 405 :

On communique de Colmars à la ville de Barcelonnette en huit heures. Ce chemin passe par le col de Cestrières ; il est bon pour les chevaux. C'est par cette route que l'on fit passer, le 13 et 14 juillet 1707, un corps d'infanterie pour aller au secours de Toulon, où il arriva quatre jours plus tôt que le reste de l'armée. Le col de Cestrières n'est bien praticable qu'au mois de juillet, car les neiges y séjournent plus longtemps qu'ailleurs.

(Here follows the description of the Col d'Allos quoted above under *a.*) Finally, on p. 481, 'de Montannel' gives a short itinerary across the pass : 'On va de Barcelonnette à Colmars en huit heures ; bon pour les chevaux ; ce chemin passe au col de Cestrières où les neiges subsistent jusqu'à la mi-juillet.' Bourcet's text (published in 1801 only, but dating from about 1750) uses the form 'col de la Sestrières' and simply states that it is passable by horses.¹²⁰ In 1835 Colonel Huart reports as follows : 'Col de Sestriaire (bon pour mulets). D'Allos au fort St. Vincent par Bammille [La Baumelle], le col, Pont de Baud et le Lauzet. Du fort au col 6 h., et du col à Allos 3 h.'¹²¹

It thus appears that the Col d'Allos gradually superseded the Col de la Sestrière, the route over it being rather shorter. Probably the Sestrière was chosen in 1707 as the French troops were passing through what till 1713 was hostile (Savoyard) territory, and had to find a passage where they could. Later, after the cession of Barcelonnette to France, in 1713, the country could be more carefully examined, and so gradually the Col d'Allos was found to be more advantageous than the Sestrière, the latter being now simply an 'historical pass'.

We here bring to a close our notice of the passes of the entire Alpine region extending from the Col de Tenda to the Rocher des Trois Évêques, which rises but slightly to the south of the Col de l'Argentière. We have successively studied the main pass of the Col de Tenda, its principal 'variants' or parallel passes (which extend as far as the Testa Malinvern), and finally the 'link' passes which connect the Tenda region with the Col de l'Argentière route, whether on the Italian (Vinadio) side or on the French (Barcelonnette slope). We break off here, just as the Duke of Berwick, James II's bastard son, appears on the horizon ; his name becomes more prominent in the story of the Col de l'Argentière and its neighbouring passes.

W. A. B. COOLIDGE.

¹²⁰ pp. 74 and 331.

¹²¹ No. 203.

*The Operations of the English Fleet,
1648-52*

IN the early days of the Civil War, the fleet had been uniformly on the side of the parliament; but in September 1647, William Batten, commander of the squadron in the Downs, resigned, and a soldier, Colonel Thomas Rainsborough, was appointed in his place.¹ For some little time there was no sign that the navy resented this interference by the army in matters outside its province, but at length, on 27 May 1648, the outbreak occurred. A mutiny broke out in Rainsborough's flagship, the *Constant Reformation*, and spread at once to the rest of the squadron.² Rainsborough and the other military officers were put ashore, and a declaration was signed by the officers of most of the ships demanding the conclusion of a personal treaty with the king, the disbanding of the army, and the reappointment of the earl of Warwick as admiral. This last demand was conceded on 29 May.³ Possibly Warwick's return prevented the spread of the mutiny, but it was too late to pacify the original mutineers; these evidently felt they had gone too far to draw back, and accordingly left the Downs for Yarmouth Roads.⁴

For the moment the position of the parliament looked very black. Another ship, the *Convertine*,⁵ joined the mutineers from the Thames, while two of the three ships at Harwich were known to be in a state of acute disaffection. Thus on the return of the mutinous squadron to the Downs on 8 June it found itself in a very strong position.⁶ A list makes it consist of the eight ships: *Constant Reformation* 42, *Swallow* 34, *Convertine* 34, *Antelope* 36, *Satisfaction* 26, *Roebuck* 14, *Crescent* 14, and *Pelican* 12, but apparently the *Hind* 16 was also there,⁷ since her officers had signed the declaration, and she was certainly with Rupert later in the year. The mutineers had therefore a force of nine ships with 226 guns.

Against them Warwick could bring only the following ships:

¹ *The Professional Life and Times of Sir William Penn*, i. 256-9.

² *Ibid.*

³ *Calendar of State Papers, Domestic*, 1648-9, 87.

⁴ *Ibid.* 99-100.

⁵ Or *Convertive*.

⁶ *Calendar of State Papers, Dom.*, 1648-9, 108, 110-11.

⁷ *Ibid.* 124.

two that had mutinied and returned to duty, the *Warwick* 22, and *Greyhound* 12; three at Harwich, *Adventure* 38, *Tiger* 38, and *Providence* 30, the last two being very untrustworthy; two in the Thames, the *Nicodemus* 6 and *Hunter* (ketch); two at Chatham, the *Fellowship* 28 and *Hector* 20; a total force of nine ships with some 200 guns,⁸ scattered and, to some extent, untrustworthy. Fortunately for the parliament the mutineers were without a leader or a plan; they missed their chance, left the English coast, and stood over to Helvoetsluys, at the mouth of the Maas in Holland, to put themselves under the orders of the prince of Wales.⁹

Both sides now endeavoured to organize their available resources. The position of the parliament was very difficult, for some of the ships at Portsmouth were disaffected to such an extent that it was proposed to remove their sails to prevent their leaving,¹⁰ and they were obviously of little use as a reinforcement for Warwick. While things were in this state the new royalist fleet put to sea, with the prince of Wales himself in command and Lord Willoughby of Parham as his vice-admiral. Leaving Helvoetsluys on 17 July, the prince was off Yarmouth on the 22nd;¹¹ but finding that there was no chance of organizing a local rising, and being refused provisions, he left the next day and took up his position in the Downs. Here he took, or was joined by, the *Blackmoor Lady* 18, landed a party near Deal on 14 August, and was joined by two fine seamen, Batten and Jordan, in the *Constant Warwick* 30, from London.¹² There were now various possibilities as to his future action. He might go to the Isle of Wight in the hope of rescuing the king, he might try and relieve the besieged garrison of Colchester, he might see what could be done in Scotland, or he might enter the Thames in the hope of capturing some of the London trade.¹³ In the end he adopted this last plan and took several prizes, including one large merchantman, the *Guinea*. This move brought him into contact with Warwick's squadron. On 29 August the two fleets met off what is now Southend, but just as the action was about to begin a heavy squall forced both to anchor. The prince of Wales made no further attempt to

⁸ *Ibid.* Other ships not yet available were the *St. George* and *Unicorn* at Chatham, and the *Nonsuch*, *Phoenix*, *Mary Rose*, *Robert*, *Bonaventure*, *Garland*, *John*, and *Lion* at Portsmouth or expected there. Mr. Corbett, *England in the Mediterranean*, i. 186, says, 'Out of 27 vessels in the Downs Warwick secured 18.' He is evidently counting in all the parliamentary ships in the list wherever stationed.

⁹ Warburton, *Memoirs of Prince Rupert and the Cavaliers*, iii. 249.

¹⁰ *Cal. of State Papers, Dom.*, 1648-9, 205.

¹¹ Hannay, *Short History of the Royal Navy*, i. 190-1.

¹² *Cal. of State Papers, Dom.*, 1648-9, 220, 243; Sir W. Laird Clowes, *The Royal Navy*, ii. 80 n.

¹³ Warburton, iii. 250.

engage. He sent to Warwick, summoning him to lower his standard, and on receiving a refusal left the Thames next day. That night he came upon the Portsmouth squadron at anchor, but made no move to attack them. On 3 September he cast anchor again off Helvoetsluys.¹⁴

The parliament's available fleet consisted at this time of twenty-one ships, large and small, the *St. George*, *Unicorn*, *Lion*, *Phoenix*, *Nonsuch*, *Adventure*, *Tiger*, *Mary Rose*, *Providence*, *Fellowship*, *Hector*, *Recovery*, *Greyhound*, *Tenth Whelp*, *Nicodemus*, *Weymouth Pink*, *Litty*, *Hart*, *Robert*, and the ketches *Hunter*, *Doggerboat*, and *Dolphin*.¹⁵ With this force, after reducing Sandown Castle, the last of the revolted fortresses, Warwick followed the royalists to Holland. On 19 September he anchored outside them, and three days later he summoned the prince of Wales to surrender, a demand which was naturally refused.¹⁶

About this time Prince Rupert of the Palatinate was appointed admiral of the royalist squadron. For the moment hostilities were prevented by the presence of a Dutch fleet under the great Martin Tromp, but on its withdrawal early in November the difficulties of the new commander became very great, for Warwick was able to move right into the harbour. Rupert was able to protect the bulk of his fleet by means of guns mounted ashore, but he was quite unable to prevent many of his ships from deserting to the enemy.¹⁷ The *Constant Warwick* and *Crescent* had already reverted to the parliament, and now other ships followed their example. These were the *Satisfaction*, *Hind*, *Love*, and others; Warwick's letter of 11 November mentions the *Reformation*, but this is certainly a mistake.¹⁸ On 21 November Warwick sailed for England with his prizes.

Rupert's first step was to send a ship to the Isle of Wight to attempt to rescue the king. This proved impossible; she could only stay a few days without exciting suspicion, and had to return with nothing accomplished.¹⁹ Ireland now suggested itself as a suitable base, though lack of money made it difficult to put the fleet into a condition to get there. Still by means of pawning not only the jewels of his mother, the queen of Bohemia, but even the guns of one of his ships, the *Antelope*, Rupert did

¹⁴ Warburton, iii. 251-2; *Life of Penn*, i. 261-2; *Cal. of State Papers, Dom.*, 1648-9, 266; Hannay, i. 192.

¹⁵ *Life of Penn*, i. 263, List of 5 Sept.

¹⁶ Laird Clowes, ii. 84; *Life of Penn*, i. 264.

¹⁷ Warburton, iii. 255-65.

¹⁸ *Cal. of State Papers, Dom.*, 1648-9, 324; Laird Clowes, ii. 119; *Life of Penn*, i. 277. Mr. Carr Laughton (in Laird Clowes, ii. 80 n.) gives *Truelove* instead of *Love*, but the latter was certainly taken by Rupert in the Downs and recovered by Warwick later (*Cal. of State Papers, Dom.*, 1648-9, 376).

¹⁹ Warburton, iii. 266 and 272-3.

manage to get the *Guinea* 30 and *Roebuck* 14 to sea early in January 1649. These ships started at once to display that indifference as to the nationality of their victims that proved so characteristic of Rupert's vessels; they returned with an English collier carrying £800 in cash and a Hamburg merchantman taken by the *Guinea* off Yarmouth. Here then were the necessary funds. The collier was sold, the Hamburger fitted out as a warship, and on 21 January Rupert was able to set sail.²⁰ His force consisted of eight ships, the *Constant Reformation* 42, *Convertine* 34, *Swallow* 34, *Roebuck* 14, *Pelican* 12, and the prizes *Guinea* 30, *James* (formerly the *Exchange of Ipswich*), and *Charles* (the ex-Hamburger).²¹ Two ships were left behind, the *Blackmoor Lady* 18 and the *Antelope* 36. The first joined him later, but the second never left Helvoetsluys, being burnt there in June by a party from the *Happy Entrance* 32.²² With Rupert there sailed three Dutch East Indiamen, though whether as convoyers or convoyed is not clear. In the Downs lay the small 'winter guard' under Moulton in the *St. George* 42, with the *Happy Entrance* 32, *Constant Warwick* 30, *Satisfaction* 26, and perhaps one or two others. On Rupert's approach Moulton withdrew under the forts; the *Satisfaction* went aground, but the royalists made no attack. They proceeded without delay to the harbour of Kinsale in county Cork, where the adhesion of a miscellaneous collection of Munster pirates and Dunkirkers brought their force up to twenty-eight ships of various kinds.²³

With such a force Rupert was likely to be a serious antagonist. Fortunately for the parliament the execution of King Charles I on 30 January 1649 left time for more attention to be paid to naval affairs. Warwick was dismissed from his post as admiral on 22 February, and the famous 'generals at sea', Popham, Blake, and Deane, were appointed in his stead.²⁴ For some time, however, Rupert was left to be dealt with by Ayscue and Penn on the western station. Several of his ships were taken, but he was in no way paralysed, and he was able in March to send five ships to relieve the royalists in the Scilly Isles.²⁵ This roused the parliament to strong measures. Every possible ship was fitted out, and on 21 May the generals arrived off Kinsale with a large fleet.²⁶

The materials for the naval history of the summer of 1649 are scanty, and often mutually inconsistent. Still some kind of a narrative may be formed. Directly on the arrival of the

²⁰ Warburton, iii. 273-80.

²¹ Laird Clowes, ii. 119.

²² *Cal. of State Papers, Dom.*, 1649-50, 105 and 206.

²³ *Hist. MSS. Comm. Report 13*, App. 1, 509-10.

²⁴ *Life of Penn*, i. 288-9.

²⁵ *Leynburne-Popham MSS. (Hist. MSS. Comm. 1899)*, 11.

²⁶ *Ibid.* 13.

fleet off Kinsale, Popham returned to London, taking orders on the way to Ayscue and Penn to join the generals with reinforcements.²⁷ A few days later, on 31 May, heavy weather drove off the blockaders and kept them in Milford Haven for some time, but on 20 June they returned to their post and found that Rupert was still there.²⁸ Orders now arrived for Deane to see about the transport of the army to Ireland, and sailing to Plymouth in the *Charles* he was there from 3 July to 8 August.²⁹ He then proceeded to Milford, embarked the army, and sailed on the 13th, Cromwell having left for Dublin the day before with thirty ships. After an unsuccessful attempt to attack Kinsale directly, Deane arrived at Dublin on August 23 with eighty-four ships, and added his forces to Cromwell's.³⁰ Rupert's position became now more and more difficult as the parliamentary army gradually succeeded in establishing its authority in districts nearer and nearer to his place of refuge. Besides, not a few of his ships were captured by the blockading fleets during this period. On 14 February the *Mary Antrim* was taken by the *Nonsuch*, and about the same time the *London* and *Mary and Joseph* were taken by the *Tiger* and *Nonsuch*.³¹ Returning from the expedition to the Scillies the *Charles* was captured by the *Leopard* and *Constant Warwick*; and in April or May the *Guinea*, *Thomas*, and *Fame of Waterford* shared her fate.³² Finally in June or early in July the *Santa Tresera* (or *Teresa*) was taken by the *Garland* and *Nonsuch*, apparently on her return from a fruitless voyage to Holland to fetch the prince of Wales.³³ After this the blockade settled down; Rupert's ships stayed in port, and captures ceased.

The Irish coast was not the only scene of naval activity at this time. Before going to Ireland, Popham had been in command in the Downs to act against Dunkirk and Irish pirates,³⁴ and had also been sent to the Scillies to check Rupert's depredations in those waters. In June it was necessary to give convoy up the Channel, while in the same month the *Adventure*, an Irish pirate, was taken in the North Sea by the *Tiger*.³⁵ In August Popham was doing convoy work in the North Sea till the news

²⁷ *Leybourne-Popham MSS.* 17.

²⁸ *Life of Richard Deane*, 404.

²⁹ *Leybourne-Popham MSS.* 18; *Life of Penn*, i. 291.

³⁰ *Leybourne-Popham MSS.*, 24-5, 30; *Life of Deane*, 406.

³¹ *Cal. of State Papers, Dom.*, 1649-50, 71; *Hist. MSS. Comm. Report 13*, App. 1, 509-10, where it is said that she was taken by Penn in the *Lion*, but only on hearsay evidence. She was renamed *Tiger's Whelp* (*Cal. of State Papers, Dom.*, 1649-50, 75), and lost near Dublin in September (*Leybourne-Popham MSS.*, 42).

³² Warburton, iii. 289-90; *Cal. of State Papers, Dom.*, 1649-50, 150, 173, 255.

³³ *Leybourne-Popham MSS.*, 21; Laird Clowes, ii. 120.

³⁴ *Leybourne-Popham MSS.*, 11.

³⁵ *Cal. of State Papers, Dom.*, 1649-50, 193. She was renamed *Jermyn* (*Cal. of State Papers, Dom.*, Admiralty Warrants, July 9).

of the presence of the prince of Wales in Jersey caused Parliament to send their only available squadron thither. On 14 September Popham left the Downs, and three days later he was at Guernsey. No enemies appeared, he could do nothing ashore, and on 1 October, after losing the *Crescent* at St. Sampson's, he started for home.³⁶ Arriving in the Downs on the 3rd, he found a large portion of the Irish fleet sent back for the winter, though Blake was still off Kinsale with five good ships.

At last Rupert's chance came. A gale drove the blockaders from their station, and towards the end of October³⁷ he put to sea with eight ships, steering for Lisbon, where he was already assured of a friendly reception.³⁸ Lack of stores and men had obliged him to leave three ships, the *Roebuck*, *James*, and another, to be captured by the parliamentary army, but on his way south he had the good fortune to take five prizes, so that on his arrival in the Tagus about the middle of November he had a fleet of thirteen ships: five original mutineers, the *Constant Reformation* 42, *Convertine* 34, *Swallow* 34, *Blackmoor Lady* 18, and *Pelican* 12, with the *Black Knight* (or *Black Prince*) 42, *Roebuck* (prize) 34, *Scott*, *Mary*, *Second Charles*, *Henry*, and two others.³⁹ Taking full advantage of his opportunities, Rupert set to work to give his ships a thorough refit. Unfortunately for him, just as he was ready for sea, a strong parliamentary fleet appeared. This was on 10 March 1650.⁴⁰

As soon as it was known that Rupert had gone to Lisbon the council of state had decided to send a fleet after him. There was much delay in its fitting out, but at last Blake was able to leave Portsmouth on 2 March 1650 with sixteen vessels, the *George* 50, *Leopard* 48, *Bonaventure* 44, *Happy Entrance* 40, *Adventure* 36, *Assurance* 36, *Expedition* 26, *Providence* 27, *Tiger* 32, *John* 32, *Constant Warwick* 32, and *Merchant Frigate* 28, with the fireships *Cygnets* 8 and *Tenth Whelp* 8, and the ketches *William* and *Patrick*.⁴¹ On arriving at the mouth of the Tagus, Blake was about to enter, but was received with shots from the forts; ⁴² he therefore anchored in Cascaes Bay to the north. A demand that Rupert should be ordered out met with a refusal,⁴³ but leave was given for the parliamentary fleet to move in as far as Oeiras in the event of heavy weather, though only on condition that it should withdraw as soon as the weather improved.

³⁶ *Leybourne-Popham MSS.*, 26-32.

³⁷ Heath, *Chronicle* (2nd ed.), 254, says 24 October.

³⁸ *Prince Rupert at Lisbon* (*Camden Misc.* x), 8-11.

³⁹ Compiled from Warburton. See also *Prince Rupert at Lisbon*, 2.

⁴⁰ Warburton, iii. 301.

⁴¹ Laird Clowes, ii. 125. Originally it was intended to send five ships only (*Life of Penn*, i. 233).

⁴² Gardiner, *Hist. of the Commonwealth*, i. 331.

⁴³ Warburton, l. c.

On 5 April two French warships arrived, one of 50 guns and the other of 28. Knowing nothing of Blake's presence, they sailed into his fleet and were detained, though they were subsequently released.⁴⁴ Relations with France were, as a matter of fact, very insecure. Apart from the known friendliness of the French court to the exiled prince of Wales, now *de jure* Charles II, evidence had been given of more definite hostility to the English in general; complaints had been received in February that eight Levant traders had been taken in the Mediterranean, not by pirates or even privateers, but by regular French men-of-war.⁴⁵ In these circumstances it was desirable to reinforce the English fleet off Lisbon. Accordingly, on 15 May, Popham sailed for Portugal with a second squadron,⁴⁶ consisting of the *Resolution* 68, *Andrew* 42, *Phoenix* 36, *Satisfaction* 26, and the merchantmen *Great Lewis*, *Merchant*, *Hercules*, and *America* or *James*.⁴⁷

While these ships were on their way out the Portuguese Brazil fleet sailed. Blake at once stopped them, impressed the nine English ships among them, and added them to his own fleet; his orders would not permit of his interfering with the actual Portuguese vessels.⁴⁸ This was on 21 May. Five days later Popham joined him, bringing extended orders. The generals were now authorized to attack Rupert anywhere. If Portugal opposed this, they were to capture Portuguese ships, and they were in any event to begin the capture of French ships at once, merchantmen or men-of-war.⁴⁹ At the same time Deane, in the home fleet, was ordered to attack any French ships he might meet.⁵⁰ Attempts were made to negotiate. Vane, the parliament's envoy, was sent ashore on 27 May, but returned after four days with nothing accomplished.⁵¹ Blake's original ships were now short of supplies, especially of drink; he therefore shifted his flag from the *George* to the *Resolution*, Popham's flagship, and detached his rear-admiral, Captain Badiley, to Cadiz on 14 June with the eight ships, *Happy Entrance*, *George*, *Leopard*, *Adventure*, *Assurance*, *Merchant*, *Tenth Whelp*, and one of the ketches.⁵² At the same time the *Constant*

⁴⁴ Warburton, iii. 304; Laird Clowes, ii. 126; Corbett, *England in the Mediterranean*, i. 208.

⁴⁵ *Cal. of State Papers*, Dom., 1649-50, 11-12, 16-17.

⁴⁶ *Cal. of State Papers*, Dom., 1650, 61; *Leybourne-Popham MSS.*, 64.

⁴⁷ Thurloe, *State Papers*, i. 144-5; *Life of Penn*, i. 298; *Leybourne-Popham MSS.*, l. c. In the first two references the *America* is named; but Popham's own narrative says the *James*, and also mentions a storeship.

⁴⁸ *Cal. of State Papers*, Dom., 1649-50, 428; Warburton, iii. 306.

⁴⁹ *Leybourne-Popham MSS.*, 65; Corbett, i. 208-9. ⁵⁰ *Life of Penn*, i. 302.

⁵¹ *Leybourne-Popham MSS.*, l. c.

⁵² *Leybourne-Popham MSS.*, 66-7; *Letters and Papers relating to the First Dutch War*, i. 2 (Navy Records Soc.).

Warwick was sent home with dispatches, and early in July it became necessary to send the *Tiger*, *Providence*, and *Cygnets* to Bayonne for drink.⁵³

On 11 and 12 July the *Phoenix* took two Dutch ships which were trying to enter Lisbon. Four days later the *Assurance*, the first of Badiley's squadron, rejoined the fleet. She reported that a squadron of four French ships had been found at anchor at Lagos.⁵⁴ Three had escaped, but the fourth, a ship of thirty-six guns, had been brought to action by the *Adventure* 36, and taken after two hours' fighting, so much damaged that she had sunk soon after the surrender. She also reported that the rest of Badiley's ships would follow shortly. They were badly wanted. Of a force of twenty-four ships, Badiley had taken eight, one had gone to England and three to Bayonne. The *Cygnets* had rejoined, but the *Providence* on returning had again been detached, and the *America* had also been sent away for water to the Burlings.⁵⁵

Meanwhile their enemies were moving.⁵⁶ On 21 July they began to assemble in Oeiras Bay, and on the 26th the combined force of French, Portuguese, and royalist ships got under way. Altogether they had twenty-six warships and eighteen merchantmen, while the parliament's fleet, even after being joined by the *Tiger* on the 23rd, consisted only of twelve men-of-war, one fireship, one ketch, and nine Brazil merchantmen. Furthermore, two of the warships, the *Hercules* and *Assurance*, were out at sea—probably looking for Badiley—and took no part in the subsequent action. The allies had, therefore, a superiority of about two to one, but in spite of this they accomplished nothing whatever. It was between 9 and 10 in the morning of 26 July when Rupert and his friends were seen to be on the move. The English fleet at once weighed anchor and lay to with the wind ESE., waiting to be attacked. In the van was the French flagship with four fireships; about a mile astern came Rupert in the *Constant Reformation*; further astern and well out of harm's way was the Portuguese contingent.⁵⁷ The wind veered to south, whereupon the parliamentary fleet went about and got to windward. The enemy also tacked and the English bore up to attack. The *Resolution* and *Phoenix* opened fire on the French admiral till he bore away, followed by Rupert and the rest of the allies. At first they headed for Cape Espichel, but eventually finding that they could not weather it, they tacked, steered north, and anchored off the North Cachopo shoal at the mouth of the Tagus. The generals followed till nightfall and then stood off. Next

⁵³ *Hist. MSS. Comm. Report 13*, App. 1, 531; *Leybourne-Popham MSS.*, 70.

⁵⁴ *Letters and Papers relating to the First Dutch War*, i. 2-4.

⁵⁵ *Leybourne-Popham MSS.*, 70-2.

⁵⁶ *Hist. MSS. Comm. Report 13*, App. 1, 531 *et seq.*

⁵⁷ Warburton, iii. 309.

morning the allies were seen to be close under the Cascaes forts. Lack of wind prevented an attack; all that could be done was to send the *Assurance* in after dark to keep them employed.

The morning of the 28th was foggy and almost calm. The combined fleet made sail, and this brought Popham and Blake in close enough for the forts to open fire on them. A light breeze from the south gave the allies the weather gage, but they made no attack. Finally, as evening drew in some six or more sail were sighted in the offing. The situation of the parliamentary fleet was somewhat delicate; if the strangers were French, as was quite probable, a withdrawal would be almost imperative, while if they were Badiley's squadron all would be well. During the night they stood towards the new-comers to find at daybreak on the 29th that they were indeed Badiley's ships. Now, however, ready as they were to engage, a head wind made the return a slow process, and when, on the morning of 30 July, they were again off the mouth of the Tagus, it was only to discover that Rupert and his allies had gone up the river and that the blockade must begin again. As before, it soon became impossible to keep the blockading fleet at full strength. The detached ships rejoined, the *Constant Warwick* came back from England with orders for a strict blockade, but after about a fortnight the Brazil ships were found unfit to remain at sea and had to be sent home.⁵⁸ This was not all; on 3 September Popham left the fleet with the *Resolution* and seven other ships to refit at Cadiz and thence return to England. It is, at least, fairly certain that Popham went with this detachment; he does not sign the next dispatch, and he was, we know, in London on 24 October.⁵⁹

Blake was thus left off Lisbon with ten ships, and, as in July, Rupert tried to take advantage of the temporary weakness of the blockaders. On 7 September, under cover of a fog, the royalist ships and their Portuguese allies left the harbour. Apparently the French took no part in this movement; certainly Gibson in his memoirs speaks of 'several French ships of war',⁶⁰ but he is by no means trustworthy as to details, and neither Blake's report nor the royalist account⁶¹ makes any mention of the French. Again the Portuguese failed to support Rupert properly. Still at 4 p.m. Blake in the *George 50*, with only the *Phoenix 36* and *Expedition 26* in company, and the rest of his fleet out of sight in the fog, found himself unexpectedly confronted by thirty-six sail of the enemy. Rupert was leading in the *Constant*

⁵⁸ Laird Clowes, ii. 129; *Cal. of State Papers, Dom.*, 1650, October 12.

⁵⁹ Whitelock, *Memorials*, 459.

⁶⁰ *Letters and Papers relating to the First Dutch War*, i. 13.

⁶¹ Warburton, iii. 309. This account hopelessly confuses this action with that of July 26.

Reformation 42, and he and Blake stood towards one another on opposite tacks. The *George* clearly could not weather her opponent, but rather than pass to leeward in the position of the inferior Blake chose to run the risk of a collision and held on. He was justified ; Rupert gave way, bore up and went to leeward to receive a broadside from each of his three enemies. His fore-topmast came down and he bore away for support, but the return of the fog put an end to the fighting.

Blake stood off to collect his ships. Next day he met them, but Rupert had then returned to shelter. However, a week later, on 14 September, there appeared twenty-three sail of the Portuguese Brazil fleet. At once the English attacked, in spite of a heavy sea which made it impossible to use the lower-deck guns. The Portuguese admiral got away, but the *George* captured the rear-admiral, the *Assurance* took and burnt the vice-admiral, and there were six other prizes. Still Blake's fleet was in a bad state, and a refit was urgent ; he therefore took his prizes to Cadiz, where he could obtain the much-needed supplies and equipment, and where the Spanish fleet received him with honours. From Cadiz he sent home another detachment. On 14 October Badiley left for England with five ships, the *Happy Entrance*, *George*, *Assurance*, *Hercules*, and *Merchant*, convoying the captured Brazil ships *Peter*, *Anthony*, *Lady Remedial*, and *Good Shepherd*, the three others being unseaworthy. Badiley reached the Downs on 2 November.⁶² He brought with him Blake's dispatch, in which, after describing the events of the past two and a half months, he expressed his intention of remaining in southern waters with the seven ships left to him, the *Leopard* 48 (repairing masts and not at once available), *Bonaventure* 44, *Phoenix* 36, *Elizabeth* 36 (a new arrival), *Constant Warwick* 32, *John* 32, and *Expedition* 26.

Meanwhile Rupert had been to sea to look for Blake and attempt the recovery of the Brazil ships.⁶³ He failed in his quest, and on returning found the Portuguese court less favourably disposed to him. It had, in fact, become obvious that Rupert was too expensive a guest ; so the king of Portugal having, as the royalist account puts it, 'no further use for our ships, victualled our fleet', and in effect asked Rupert to leave. He did so on 12 October with the *Constant Reformation* 42, *Black Prince* 42, *Swallow* 34, *Roebuck* 34, *Second Charles*, and *Henry*. These were all he could equip ; the *Convertine* was left in the Tagus and handed over to the parliament later, the *Blackmoor Lady* was sold there ; the fate of the others is unknown, but they were

⁶² Badiley's report, *Hist. MSS. Comm. Report* 13, App. 1, 541 ; Spalding, *Life and Times of Richard Badiley*, p. 49 n.

⁶³ Warburton, iii. 313.

presumably sold or broken up in Lisbon. Leaving the Tagus, Rupert waited off the Portuguese coast for a French warship which failed to appear; he must during this time have been fairly close to Badiley's squadron.

Blake, too, got to sea about the same time. On 15 October the *Hopewell*, from England with orders, found him busy refitting in Cadiz. Judging from their effect the general purport of these orders must have been to recommend vigorous action against the French. On receiving them Blake put to sea in the *Phoenix* with three other ships and steered for the Straits of Gibraltar. Here on 20 October he met and captured a French ship. As there has been much discussion over the circumstances of this capture it may be as well to examine the evidence in some detail. Blake's own report⁶⁴ says that the Frenchman 'after some dispute yielded upon quarter'. Saltonsall, captain of the *John*, merely records the fact of the capture,⁶⁵ though very likely the *John* was not actually present. Whitelock, on 29 November 1650, says: 'after some hours' fight took her and brought her into Cadiz', but on 16 January 1651 he modifies the story and gives a second version to the effect that the captain of the French ship was summoned on board the *Phoenix*, and that, on his refusing to surrender, Blake told him to go back and fight it out, whereupon he did so, only to have to give in after a two hours' fight. This is the story described by the late Sir John Laughton as 'evidently absurd in every particular', and by Mr. Carr Laughton as 'wildly improbable'. It is, however, confirmed to a great extent by more recent evidence in Gibson's reminiscences.⁶⁶ Gibson's memory for details was certainly faulty, but since there would have been no point in his telling the story if it were not for its picturesque side, it seems reasonable to accept his account. According to him the French captain supposed from the fact of her flying Blake's flag that the *Phoenix* must be a powerful ship suitable for an admiral's flagship. He therefore came on board prepared to surrender, but on finding his opponent much weaker than he had expected, began to suggest that he had been tricked. Blake then sent him back to his ship to fight it out, his crew refused duty, and he had to surrender after all. Here we see that there was no fighting, so that the term 'dispute' in Blake's report must be taken in a moral, not in a physical sense. In this Gibson is corroborated by French accounts. In the instructions given to Gentillot when proceeding to England to demand satisfaction for this and similar seizures it is expressly mentioned that there was no fighting.⁶⁷ This authority also

⁶⁴ *Hist. MSS. Comm. Report B*, App. 1, 538-9.

⁶⁵ *Ibid.* 543.

⁶⁶ *Letters and Papers relating to the First Dutch War*, i, 7-8.

⁶⁷ Guizot, *Hist. de la République anglaise*, i, App. xvii, 465.

states that the ship was the *Jules*,⁶⁸ commanded by the Chevalier de la Lande, one of the ships mentioned by Jal as having been acting against Bordeaux in the previous winter. Blake in his report also gives the name of her captain as Lalande, and says he was 'brother to him that was sunk by the *Adventure* frigate', but here Gentillot's orders contradict him, since the captain of that vessel is given as the Chevalier de Fonteny.

It may be as well at this point to mention some cases of fighting between French and English ships nearer home. Jal in his *Abraham du Quesne*⁶⁹ gives the French story of one of these actions. Du Quesne on his way from Havre to Bordeaux with five ships is said to have met an English squadron near Jersey and to have been severely wounded in the action that followed, but to have brought his ships safely to their destination; while another account, also reproduced by Jal, says that he lost one ship captured and three sunk, and only escaped with the fifth, his flagship. Jal proves that Du Quesne's squadron certainly reached Bordeaux; the second account must therefore be exaggerated, but from the extracts which he gives it seems doubtful whether it consisted of four or five ships, so that one may have been lost on the way. Other authorities tend to confirm this view. In the instructions to Gentillot⁷⁰ one of the grounds of complaint is 'the battle with Turenne's squadron proceeding on H.M.'s service to the Bordeaux river in which the frigate *La Charité* was taken'. From English sources⁷¹ we know that the *Charité* of Havre was taken near Cape Hogue by the *Nonsuch* 36, Captain Mildmay, assisted by an armed merchantman. The affair took place on 12 August, and after seven hours' fighting, chiefly between the *Nonsuch* and the French flagship, the *Charité*, in which was the French third in command, was taken in an attempt to support her chief; the French squadron consisted of five ships. Whitelock⁷² says the captured ship carried sixteen guns. There seems little doubt that this is the action to which Jal refers.

The *Fairfax* 52, a new ship, was concerned in another action or possibly two. Whitelock records the fact in July⁷³ that this ship had been engaged by three French warships, but had beaten them off and reached Plymouth in spite of heavy losses and much damage. A month later⁷⁴ he states that the *Fairfax* had fought three Frenchmen, and that they had only escaped

⁶⁸ *The Hollandsche Mercurius*, 1651 (January), p. 7, calls her the *Julius Masarini* 46. The Swedish ship *Jules* 32 was given to Mazarin in 1648: Zettersten, *Svenska Flottans Historia*, ii. 316. This is evidently the same ship. She was added to the English Navy as the *Success* 40.

⁶⁹ i. 186.

⁷⁰ Guizot, *ubi supra*.

⁷¹ *Cal. of State Papers, Dom.*, 1650,

307, 312-13.

⁷² 16 August 1650.

⁷³ 26 July 1650.

⁷⁴ 28 August 1650.

her by keeping close inshore near Falmouth. This may refer to a second fight, or may be simply another version of the first.

In southern waters, Blake, after taking the *Jules* on 20 October, returned to Cadiz with his prize. This left the way clear for Rupert to enter the Mediterranean. He soon did so. He had, as has been mentioned, left the Tagus on 12 October, but had waited some days for the expected French ship before starting to work south; had it not been for this delay he must have met Blake in the Straits. Off the Andalusian coast he took two English Malaga merchantmen, while the *Second Charles* left the fleet in chase of another. After waiting in vain for her to rejoin, Rupert shaped a course for the Straits of Gibraltar.⁷⁵ He put into Tetuan Roads to look for the expected Frenchman, but had to leave for the Spanish coast without her. Off Estepona he made an unsuccessful attack on an English ship, and on 26 October failed in an attempt on the English merchantmen in Malaga.

The news of this attack was passed on at once to Blake at Cadiz.⁷⁶ Leaving the *Leopard* and his prize (now named *Success*), he put to sea with his other six ships and was off Malaga on 30 October. Meanwhile, Rupert had moved eastward some twenty miles to Velez Malaga, where he found a number of English merchantmen.⁷⁷ In spite of the refusal of the Spanish authorities to allow any attack, Rupert waited two days, and was just preparing a fireship when the merchantmen were destroyed by their own crews. At Montril, thirty miles further east, the royalist fleet destroyed three merchantmen run ashore and abandoned by their crews. This was practically their last success. Between Cape Gata and Cape Palos the *Second Charles* returned to the fleet with her prize, both being in such a leaky state that they had to be detached for repairs; Formentera, the southernmost of the Balearic Islands, was appointed as a general rendezvous. Blake was, however, close behind. On 2 November he took another French ship of twenty guns off Cape Gata, and next day the *Roebuck* 34 of Rupert's squadron fell into his hands near Cape Palos. The same night he chased the *Henry* and *Second Charles* with the prizes *William of London* and *Malagonian* into Carthagena, while a fifth ship, the *Black Prince* 42, was driven ashore outside the harbour by the *John* 32, and burnt by her own crew. Following into the harbour Blake demanded the surrender of the royalist ships. It is uncertain what happened, but the result was that on 5 November the four ships went ashore and were wrecked, probably in an attempt to escape, though the royalist account states that they were destroyed by

⁷⁵ Warburton, iii. 314.

⁷⁶ *Hist. MSS. Comm. Report 18*, App. 1, 538-9.

⁷⁷ Warburton, i. c.

their own crews, excepting the *Henry*, which was surrendered through treachery. Be this as it may, none of the ships saw any further service on either side.⁷⁸

The chief of the royalist fleet was still at large, and on 9 November Blake put to sea again to look for him, leaving at Carthagenia the *John* and two French prizes. Separated from their fleet by heavy weather, Rupert in the *Constant Reformation*, and his brother Maurice in the *Swallow*, were the only survivors of the fugitive squadron. Driven out to sea, they had met a large English merchantman, the *Marmaduke*, and had taken her after a chase lasting all 5 November, and an action all the morning of the 6th. Returning to Formentera and finding no one there, Rupert left orders for a second rendezvous at Cagliari,⁷⁹ but after another spell of bad weather which drove him to Sicily, he decided not to wait for the rest of his fleet, and sailed with the *Constant Reformation*, *Swallow*, and *Marmaduke* to Toulon, where, although not received with open arms, he was at least able to refit in safety.⁸⁰

The news of Rupert's escape from Lisbon had been a great blow to the English government, and at first their anger was turned on Blake. On 2 November orders were sent to him to the effect that Penn was being dispatched to the Mediterranean as commander-in-chief, and that on meeting him he was to hand over some of his smaller ships to his successor and to bring the rest home.⁸¹ Three weeks later Penn was appointed to command a squadron of eight ships: the *Fairfax* 52, *Centurion* 36, *Adventure* 36, *Foresight* 36, *Pelican* 36, *Assurance* 36, *Nonsuch* 36 and *Star* 22. However, when he left Spithead on 30 November it was with a diminished squadron of only five ships: the *Centurion* 36, *Swiftsure* 36, *Foresight* 36, *Pelican* 36 and *Guinea* 30.⁸² On reaching Falmouth he received fresh instructions. The government had received Blake's report from Malaga, and, seeing that his recall would be a mistake, they sent him orders to stay where he was.⁸³

Acting under his new instructions, Penn left Falmouth on 20 December for the Azores, in the hope of intercepting the home-ward-bound Brazil fleet.⁸⁴ Three days later the *Swiftsure* was found to be so leaky that she had to be sent home with the *Guinea* as escort, but pressing on with his other three ships Penn took a Brazil-man, the *Nostra Señora*, on 13 January 1651. He was, however, just too late; when he reached the Azores four days later, it was only to learn that his prize had been one of the last

⁷⁸ Warburton, iii. 312, 317-8; *Cal. of State Papers, Dom.*, 1651, 21; Heath (second ed.), 275; *Hist. MSS. Comm. Report* 13, App. 1, 538-40, 543, 549.

⁷⁹ *Ibid.*, 529.

⁸⁰ Warburton, iii. 317-20.

⁸¹ *Life of Penn*, i. 310-11.

⁸² *Ibid.* 311, 317.

⁸³ *Cal. of State Papers, Dom.*, 1650-1, 468; Corbett, i. 222.

⁸⁴ *Life of Penn*, i. 319 et seq.

of the fleet, and that the rest had escaped him. Furthermore, now that it became the obvious course to move towards the Portuguese or Spanish coast, he was pinned to the Azores by strong easterly winds. On 22 January Lawson, his vice-admiral, arrived with the *Fairfax* 52 and *Star* 22. He and Penn thereupon exchanged flagships, and on 3 February Lawson, in the *Centurion*, took the French *Couronne de France* 24, a Havre merchantman laden with corn. At last Penn did get away from the Azores, but on 18 February he met a Dutch convoy escorted by four or five warships under de Witte, and from him he heard that Blake had gone home in accordance with his first orders. This was a fact; he reached England early in February, to find a good reception awaiting him, and eventually to receive a grant of £1,000 with the thanks of parliament for his services.

Penn went on towards the Portuguese coast. On 21 February he met the *Assurance* 36, commanded by Blake's brother Benjamin, who had brought out new orders to Vigo, in company with the *Adventure* 36, and had in the meantime taken a Portuguese ship of 28 guns from Brazil.⁸⁵ Finding that Captain Blake did not know the contents of the orders, Penn sent him back to Vigo to fetch them, but on the 23rd, on meeting Captain Ball in the *Adventure*, he heard that he was to go into the Mediterranean to act under Blake's orders. Next day further instructions arrived, brought by Captain Hall, who had been put in charge of a second squadron, organized for the express purpose of convoying merchantmen through the Mediterranean. Hall had left the Downs on 14 February, with the *Triumph* 52, *Tiger* 36, and the merchantmen *Trade's Increase* 44, *Lion* 44, *Hopeful Luke* 44, *Angel* 30, and *Anthony Bonaventure* 30.⁸⁶ He made it clear to Penn that both fleets were to enter the Mediterranean as soon as possible, and proceeded to Cadiz, where he arrived on 28 February, followed next day by Penn. Hall left for the Straits on 13 March, Penn on the 29th. The *Assurance* had rejoined and the *Nonsuch* 36 arrived from England, so that at last he was in command of the fleet originally intended for him. He was off Malaga on the 30th, and at Alicante from 14 to 17 April. Soon after this he met and captured the *Great Alexander*⁸⁷ of Toulon, apparently a warship, though at present laden with sugar and carrying only 32 guns instead of 44. Finding her unseaworthy, he took her to Iviza, in the Balearic Islands, and persuaded the Spanish governor to look after her, landed his prisoners in Majorca on

⁸⁵ *Letters and Papers relating to the First Dutch War*, i. 6. ⁸⁶ *Life of Penn*, i. 312.

⁸⁷ Called *Great Alexandria* as well as *Great Alexander* (Penn, i. 331, 390). A French ship, *Alexander the Great* (*Alexandré le Grand*), from Lisbon, was taken by the English about this time and is probably the same ship (*Hist. MSS. Comm. Report* 13, App. 1, 572, 604.)

1 May, and then cruised off and on near Minorca, waiting for news of the enemy.

Rupert had meanwhile been busy refitting and reorganizing his squadron. He repaired the *Constant Reformation*, *Swallow*, and *Marmaduke*, now called *Revenge of Whitehall*, bought the *Jeremy* and renamed her *Honest Seaman*, and was joined from Marseilles by a Captain Craven with his ship *Speedwell*, which had her name changed to *Loyal Subject*. With these five ships 'he fixed his resolution to take revenge on the Spaniard', but first set to work to get Penn out of the way by spreading reports that he was going eastward.⁸⁸ These had the desired effect. On 5 May Penn decided to move to the southern end of Sardinia. Here he arrived on the 7th, and the same day Rupert left Toulon, but steering south instead of east. Penn of course knew nothing of this, and after meeting three English merchantmen, and sending them to call for the *Great Alexander* and escort her home, he steered south for the African coast in the hope of intercepting Rupert if he should try to enter the eastern Mediterranean.⁸⁹ On 19 May he turned northwards again, to hear from a Spanish fleet of 14 ships from Naples that Rupert was at sea. At Leghorn, on the 25th, he was told that Rupert had left Toulon on the 7th, *steering east*; he therefore left on the 27th for Sicily in the hope of catching him. After five days at Trapani, where after some discussion he got supplies, he left for Cape Bon, the north-eastern point of Tunis. In this neighbourhood he took the French *St. Peter* 12, and after victualling at Bizerta took the *St. Spirito* 8. His next supplies he obtained at Goletta, the port of Tunis, and shortly afterwards captured two more small French ships. At this point the Tunisians refused him any more supplies, so that he was obliged to move to Sicily. After cruising for a week to the westward of that island he touched at Malta on 25 July and reached Messina on the 29th. Here, at last, he received definite news that Rupert had been seen off Cadiz and that he had failed in his search.⁹⁰

As a matter of fact Rupert was now in the Azores. He had sailed south from Toulon as far as the African coast, and had then gone west. Just outside the Straits he had taken a Genoese ship, and had followed this by the capture of a Spaniard off Cadiz. Thence he had gone to Madeira, but had failed to persuade his half-mutinous followers to accompany him to the West Indies. He had instead visited the Canaries and finally reached the Azores on 25 July.⁹¹

Penn seems to have seen no reason for hurry in his pursuit.

⁸⁸ Warburton, iii. 321-5; *Life of Penn*, i. 338.

⁸⁹ *Life of Penn*, i. 335 *et seq.*

⁹⁰ *Ibid.* 355.

⁹¹ Warburton, iii. 531.

He did indeed leave Messina on 30 July, but he spent a week at Cagliari, and afterwards put into Majorca and Formentera. On 27 August he met two Dutch ships under de Witte, and received from them the false news that they had seen Rupert on 30 June off the Lizard, steering up Channel. Penn next visited Malaga, and finally arrived in the Straits on 9 September. One thing seemed fairly certain: Rupert was not in the Mediterranean. Penn, therefore, settled down to prevent his return, and at the same time to take such French prizes as luck might send him.⁹²

Rupert was no longer a very formidable enemy, and soon his force was still further reduced. Directly after his arrival in the Azores he took a large Spanish ship, his only success as it proved. In one of his prizes, the *St. Michael* 32, the original crew managed to recapture their ship and sailed for England. A little later, in a gale on 30 September, the *Constant Reformation*, old and leaky, sank with 333 men of her crew, only Rupert and a very few others being saved. The rest of the fleet managed to reach Fayal, but lost the *Loyal Subject*, which was wrecked there on 19 October.⁹³ Finally, an attempt on a Spanish ship in Pico Roads led to friction with the Portuguese. On 7 December the remaining royalists put to sea; on the 26th they anchored off Cape Blanco on the African coast, about half-way between the Canaries and the Cape Verde Islands; four days later they entered the harbour on the south side of the cape.

Rupert now disappears from the scene as far as European waters are concerned, but it seems best to follow his cruise to its end in some detail, before returning to deal with events nearer home. He stayed a month at Cape Blanco, repairing his ships and making up for his enforced rest from semi-piratical operations at sea by raids of a very similar character on the neighbouring tribes ashore. On 26 January he sailed for the Cape Verde Islands; he spent a fortnight at Boavista and a few days at St. Iago, and reached the Gambia River on 27 February. Here he took two ships, one Spanish and one English; the latter, called the *Friendship*, he renamed *Defiance*. He left again for the Cape Verde Islands on 29 March; off Mayo Island on 5 April he took an English ship of 18 guns, and on the 18th two others, but at the same time he lost the *Revenge of Whitehall*, seized by a handful of her crew who held to the parliament and taken to England.⁹⁴

On 9 May Rupert left for the West Indies, and on the 29th he reached St. Vincent. Sailing in turn to St. Lucia, Martinique, Guadeloupe, and Montserrat, he took at the last-named island two English ships. At Nevis on 7 and 8 June, he engaged the forts and took two more prizes. Thence he went to St. Christopher,

⁹² *Cal. of State Papers, Dom.*, 1651-2, 246.

⁹³ Warburton, iii. 541.

⁹⁴ *Ibid.* 541-6, 534, 368-9; *Cal. of State Papers, Dom.*, 1651-2, 308-12.

and finally to the Virgin Islands, where he put into a creek, now known as Cavalier's Harbour, for repairs. Two prizes were found useless and burnt, but on 29 August Rupert got to sea again with four ships. As before, the weather proved his worst enemy. A gale raged from 13 to 17 September, and in it Prince Maurice, in the *Defiance*, was lost, together with another smaller vessel, while the *Honest Seaman*, driven away to leeward and damaged, was wrecked soon after at Porto Pina in Hispaniola.⁹⁵ Rupert alone, in the *Swallow*, returned to his harbour in the Virgin Islands. Even so he was not beaten; on 5 October he sailed once more, and took a ship of 10 guns near Montserrat. He spent a fortnight at Guadeloupe, and on 30 October captured three more English ships at Antigua. Returning to Guadeloupe on 7 November, he stayed there till the 20th, save for a brief cruise, in which he took another prize. At last, after a visit to Dominica and Nevis, he returned to his base for a final overhaul. On 12 December he sailed for Europe. At Fayal, on 16 January, he was received by the Portuguese with shots from the forts, and on finding the same reception at St. Michael's, he proceeded direct to France. On 4 March 1653 he entered the harbour of Nantes with five ships, the *Swallow* and four prizes, and amid the salutes of the fort and of some Dutch ships ended his long and eventful voyage. He sold his ships to Mazarin, and left to join the royalist court.⁹⁶ Lawless as many of his performances undoubtedly were, his voyage of rather more than three years must always rank as a marvellous achievement. Without bases or resources, in the face of a sea-power superior from the first, and steadily increasing, he had yet succeeded in supporting himself and his fleet, and in causing considerable damage to the enemy.⁹⁷

While Rupert was at the Azores and at Cape Blanco, Penn had continued his unenterprising blockade of the Straits of Gibraltar, taking a number of French merchantmen, but making no attempt to pursue his elusive enemy. He did indeed decide on 26 November, when he heard of the loss of the *Constant Reformation*, that he would send three ships to attack the remains of the royalist squadron. This idea may have been carried out, but it certainly led to no encounter. On 19 January 1652 Penn raised his blockade and withdrew his ships to Cadiz.⁹⁸ There was now a considerable English force in southern waters. In addition to the eight ships under Penn and the seven under Hall, Captain Appleton had been sent out with the three warships *Leopard* 48, *Bonaventure* 44, and *Constant Warwick* 32.⁹⁹ After

⁹⁵ Warburton, iii. 383.

⁹⁶ *Life of Penn*, i. 485.

⁹⁷ A list of ships known to have passed through his hands will be found in the Appendix.

⁹⁸ *Life of Penn*, i. 387-90.

⁹⁹ *Letters and Papers relating to the First Dutch War*, i. 68.

meeting Penn in September 1651,¹⁰⁰ Appleton entered the Mediterranean and cruised here and there on convoy work, using Leghorn as a base, in spite of the fact that Hall had set up friction with the grand duke of Tuscany by taking a French ship in his territorial waters.¹⁰¹ Still another squadron, under Captain Badiley, left the Downs on 31 December 1651. It consisted of the *Paragon* 52, *Phoenix* 36, and *Nightingale* 24; the *Elizabeth* 36 should have been included, but was not ready for sea, though she afterwards followed and relieved the *Nightingale*.¹⁰² Badiley met Penn at Cadiz and was apparently accompanied by him as far as the Straits, since on 10 February 1652 Penn was at anchor off Cape Porcus, inside the Mediterranean.¹⁰³ Hall had already been recalled, and on 11 February Penn also left for home. As some substitute for the ships thus recalled, the *Worcester* 44 and *Mermaid* 24 were ordered to the Mediterranean; but on 8 March the approach of war with the Dutch made it necessary to cancel their orders, and to leave Appleton's and Badiley's divisions alone in southern waters.¹⁰⁴

Nearer home the most important events had been taking place in the Scilly Islands. On 15 March 1651 Blake, fresh from the Mediterranean, had been appointed to command the Irish fleet, consisting of the *Phoenix*, *Mayflower*, *Little President*, *Providence*, *Hind*, *Constant Warwick*, *Fox*, *Truelove*, *Convert*, *Tenth Whelp*, *Convertine*, and *Galliot* hoy, with a special detachment for the Shannon, composed of the *Portsmouth*, *Swiftsure*, *Concord*, *Fellowship*, and *Hector*.¹⁰⁵ At the same time Popham was put in command of the fleet in the Downs, while Ayscue was told off to fit out a squadron for the West Indies. All these arrangements were, however, upset by developments in the Scillies. Grenville, the royalist governor, becoming infected with the piratical taint of his party, had begun to molest Dutch ships. At once Tromp was sent with a fleet of 12 sail to stop this. He could get no satisfaction, and proceeded formally to declare war on Grenville. Naturally the parliament decided to intervene; on 1 April they wrote to Ayscue to act under Blake, and ordered the latter to take every possible ship to Scilly.¹⁰⁶ His instructions were briefly to ask Tromp what he wanted. If he intended anything hurtful to the commonwealth, Blake was to 'require him to

¹⁰⁰ *Life of Penn*, i. 359.

¹⁰¹ *Cal. of State Papers, Dom.*, 1651, 228-9, 483; 1651-2, 17-18; *Hist. MSS. Comm. Report 13*, App. 1, 622.

¹⁰² *Letters and Papers relating to the First Dutch War*, i. 68; *Cal. of State Papers, Dom.*, 1651-2, 86.

¹⁰³ *Life of Penn*, i. 390.

¹⁰⁴ *Letters and Papers relating to the First Dutch War*, i. 68; *Life of Penn*, i. 414.

¹⁰⁵ *Cal. of State Papers, Dom.*, 1651, 86.

¹⁰⁶ Thurloe, i. 177; Whitelock, 17 April 1651; Campbell, *Lives of the Admirals*, ii. 159; Heath (second ed.), 288; *Cal. of State Papers, Dom.*, 1651, 123.

desist, and if he persisted, to use the best ways and means he could to enforce him'. He was to say that there was no intention to protect Grenville, and that the Dutch might do what they liked to him, provided always that they had no idea of annexing the Scillies. The Dutch withdrew, visiting Falmouth on their way home,¹⁰⁷ and Blake began his attack. The smaller islands soon fell, the citadel was bombarded, and a strict blockade was established. Two royalist ships were taken, the *Michael* 24 and *Peter* 16, renamed *Tresco* and *Bryer*, from the islands where they were captured.¹⁰⁸ Finally, on 23 May, an agreement was signed whereby the fortress was to be surrendered by 2 June, and the garrison transported with honours to Galloway.¹⁰⁹

Little had been happening in the North Sea, where Popham hoisted his flag on 1 April 1651. At first he had nine ships, with his flag in the *Hope*, but after a fortnight three of his ships were detached to the Dutch coast; on the 17th the *Victory* joined him. There followed a quiet period, in which the only incident of note was the action of the *Defence* with two Irish pirates, the *Francis* and *Patrick*. On 9 May the *Lion* and *Hopeful Luke*, of Hall's fleet, joined from the Straits, and on the 16th a blockade of Dunkirk was begun, but after a month Popham withdrew all save three of his ships, to take charge of a convoy for the North Sea. The ships now with him were the *James*, *Vanguard*, *Lion*, *Dragon*, and *Reserve*; with these he was ordered, after reaching Berwick, to cross the North Sea to the Sound to look for the Swedish fleet, from which hostilities were evidently expected. He shipped his pilots from the Tyne on 7 July, but two days later he was recalled. Adding the *Happy Entrance* to his fleet, he arrived in the Downs on 17 July, to be joined by the *Leopard*, *Reformation*, *Charles*, *Seven Brothers*, and *Greyhound*.¹¹⁰

Early in August important developments took place. On 6 August Charles Stuart (or Charles II) crossed the Scottish border on the famous march south. At once it became necessary to have a fleet in the North Sea to cut him off from foreign help. Popham would naturally have been given this duty, but on 19 August he died;¹¹¹ and as Deane was already on the Scottish coast with the flotilla, Blake had to undertake this important duty. Since the reduction of Scilly he had been in command of the western fleet, with his ships kept in port for reasons of economy. Now he was ordered to bring some of his ships up Channel and take charge of the North Sea fleet, while the squadron to be left

¹⁰⁷ *Hollandsche Mercurius*, 1651, April, p. 49.

¹⁰⁸ *Cal. of State Papers, Dom.*, 1651, 190.

¹⁰⁹ *Ibid.* 214-16.

¹¹⁰ *Leybourne-Popham MSS.*, 84-96; *Cal. of State Papers, Dom.*, 1651, 143, 214.

¹¹¹ Heath, 303.

in the Downs was put under Badiley. The crisis did not last long, since on 3 September, when Blake had only just joined his fleet, the battle of Worcester put an end to all danger from the royalists and left the fleet free for other duties.¹¹² The Isle of Man and the Channel Islands still held out for Charles II, and they were now the objects of attack. The former surrendered without resistance on 31 October, but the Channel Islands showed a firmer front. Here the attack also began in October, Blake being in command of the fleet, but it was not till 12 December that Elizabeth Castle in Jersey surrendered, while Castle Cornet in Guernsey followed its example on the 17th.

At the same time the royalist cause lost its last position in the colonies. Ayscue, set free by the capitulation of the Scillies, was sent back there on 27 May, and did not finally leave for the West Indies till 8 August. With the *Rainbow* 52, *Amity* 36, *Success* 30, *Ruth* 30, *Brazil Frigate* 24, *Malaga Merchant* 30, and *Increase of London* 36, he arrived off Lisbon on 16 August. The Portuguese gave him no opportunity of fighting, and on the 21st he left again. After a visit to the Cape Verde Islands, where he remained from 8 to 18 September, he arrived off Barbados in the night of 15–16 October. Next morning he sent his 'vice-admiral', Captain Pack, into Carlisle Bay with the *Amity*, *Success*, and *Malaga Merchant*. Twelve ships in the bay—eleven of them Dutch—were seized on the charge of trading with the parliament's enemies; two others ran ashore. The forts did practically no damage, although the whole fleet lay in Carlisle Bay all night and most of the next day.¹¹³ After this Ayscue did very little for some weeks, save to cruise off the island and to exchange letters with the royalist governor, Lord Willoughby of Parham, in the hope of persuading him to surrender. At last, on 22 November, he landed a party, and took a small fort at 'The Hole' on the west side of the island. On 1 December there arrived a fleet of fifteen ships, bound for Virginia to assert the authority of the parliament there. Ayscue tried to use this accession of strength as a means of bringing the royalists to terms, but finding this in vain, he carried out a second and more important landing on 7 December, at Speight's Town, a little north of 'The Hole'. The first attack was successful, but the seamen got out of hand and had to be withdrawn. On 14 December the Virginian ships sailed. Ayscue now opened negotiations with the disaffected element ashore. On 3 January 1652 part of the royalist troops mutinied and declared for the parliament, on the 9th Lord Willoughby of Parham asked for terms, and on the 11th the island was definitely surrendered.¹¹⁴ In March

¹¹² *Cal. of State Papers, Dom.*, 1651, 357, 378, 407.

¹¹³ Davis, *Cavaliers and Roundheads in Barbados*, 153.

¹¹⁴ *Ibid.* 153–84.

Ayscue left to reduce the remaining islands. This was done without difficulty, and on 25 May 1652 he arrived at Plymouth with 36 prizes, to find the war with the Dutch in progress.¹¹⁵

R. C. ANDERSON.

APPENDIX

SHIPS BELONGING TO, OR TAKEN BY, THE ROYALIST FLEET, 1648-53.

Original Mutineers.

Constant Reformation 42 lost at sea, 30 September 1651. *Swallow* 34 returned to Nantes and sold there, March 1653. *Convertine* 34 left at Lisbon, October 1650, and handed over to parliament later. *Antelope* 36 burnt at Helvoetsluys by parliamentarians, April 1649. *Satisfaction* 26 returned to parliament, November 1648. *Roebuck* 14 apparently left at Kinsale, October 1649. *Crescent* 14 returned to parliament, October 1648. *Pelican* 12 apparently left at Lisbon, October 1650. *Hind* 16 returned to parliament, November 1648.

Additions before leaving Holland.

Blackmoor Lady 18 joined or taken, July 1648: sold at Lisbon, September 1650. *Constant Warwick* 30 joined, August 1648: returned to parliament, October 1648. *Guinea* 30 taken, August 1648: captured, April or May 1649. *Love* taken, August 1648: returned to parliament, November 1648. *James* (formerly the *Exchange of Ipswich*) taken, 1648: left at Kinsale, October 1649. *Charles* (ex-Hamburger) taken, January 1649: captured, March 1649. (An English collier) taken, January 1649, and sold at Helvoetsluys.

Additions before reaching Toulon.

The following were captured by parliamentary warships during Rupert's stay at Kinsale. They all seem to have joined or been taken in the spring of 1649:

Mary Antrim captured, 14 February 1649. *London* and *Mary and Joseph* captured, March 1649. *Thomas* and *Fame of Waterford* captured, April or May 1649. *Adventure* captured, June 1649. *Sta. Teresa* captured, July 1649.

The following, not otherwise recorded, are mentioned in a manuscript book of accounts of the fleet from 24 February to 11 October 1649, in the present writer's possession:

Ambrose and Charles, *Sarah of Bristol*, *Desire of Lew*, *Mary Catch*, *George of Leith*, *Good Intent*, *Culpeper*, *Antilope*, *Gloab*, *Olive Branch*, *Sarah Bonaventure*, *Seamew*, *George of London*, *Glocester*, *St. John Baptist*, *St. Peter of Middlebrough*, *St. Peter of Ochelling*.

¹¹⁵ Heath, 322; Whitelock, 29 May 1652.

The following were apparently added to the fleet at some time in 1649, before its arrival at Lisbon :

Roebuck 34 taken, November 1649 : captured, 3 November 1650. *Black Knight* (or *Black Prince*) 42 driven ashore and burnt, 4 November 1650. *Scott* and *Mary*, apparently left at Lisbon, October 1650. *Second Charles* and *Henry*, wrecked at Carthage, 5 November 1650.

The following were taken on the way from Lisbon to Toulon :

William of London and *Malagonian* taken, October 1650 : wrecked at Carthage, 5 November 1650. *Revenge of Whitehall* (ex *Marmaduke*) taken, 6 November 1650 : mutinied and taken to England, March 1652.

Additions after reaching Toulon.

Honest Seaman (formerly *Jeremy*) bought, 1651 : wrecked, September 1652. *Loyal Subject* (formerly *Speedwell*) joined, 1651 : wrecked, 19 October 1651. *St. Michael* taken, 1651 : retaken by crew, August or September 1651. *Defiance* (formerly *Friendship*) taken, February 1652 : lost at sea, September 1652.

There are also records (but without names) of the capture, between May 1651 and November 1652, of one Genoese and four Spanish ships, whose fate is unknown, and of twelve English ships, of which two were burnt in July or August 1652, one lost at sea in September 1652, four sold at Nantes in March 1653, and five came to unknown ends.

*British Commercial Policy in the West
Indies, 1783-93*

IN March 1775 Burke, speaking on conciliation with America, pointed out that the three branches of trade carried on by Great Britain with the continental colonies, with the West Indies, and with Africa respectively were 'so interwoven that the attempt to separate them would tear to pieces the contexture of the whole and, if not entirely destroy, would much depreciate the value of all the parts'. Eight years later thirteen of the continental colonies were placed, by the acknowledgement of American independence, outside the compact commercial system enclosed and guarded by the navigation acts. Now, it has of late been fully understood that the principles of British commercial policy were not altered by the events of the American Revolution. How then did the British government contrive to preserve its old monopolist system, and yet to avoid the injuries to the West Indian trade which Burke had anticipated?

In order to understand the points at issue, we must bear in mind certain of the conditions under which intercolonial trade in America was carried on previously to the revolutionary war. In particular we must remember that the thirteen colonies and the West Indies were not alone interested in the trade. Canada, Nova Scotia, and Newfoundland gladly exchanged fish and their scanty surplus stock of lumber and flour for the produce of the islands, although their geographical position placed them at a serious disadvantage as compared with their sister colonies to the South.¹ British shipowners engrossed what they could of the carrying trade between the continent and the West Indies, but found themselves heavily handicapped by the advantages which the Americans enjoyed through their proximity to the islands, the low cost of their ships, and the ability of these tiny

¹ It is difficult to estimate the volume of this trade, since most of it was conducted indirectly through the New England merchants. See the evidence of Inspector-General Irving before the Committee of Trade, 30 March 1784: Public Record Office, Board of Trade, Minutes of the Committee of Trade, 3, fo. 124. In 1772 out of 1208 vessels arriving in the West Indies from North America only 13 were from these colonies: *ibid.* fo. 11.

vessels to enter any and all ports.² British and Irish fishermen competed in the sugar islands against New England rivals ;³ while Irish farmers, although denied the privilege of direct trade with the colonies until 1778, easily outdistanced the farmers of Virginia, North Carolina, and Pennsylvania in supplying beef and pork to West Indian markets.⁴ In the British Islands, then, were many persons who would gain from the interruption of the chief branch of intercolonial trade. But the West Indians were well supplied with friends in England who were prepared to support their interests. Great Britain had sixty million pounds invested in the islands ;⁵ three-quarters of a million of its revenue was derived from West Indian produce ;⁶ British goods representing a much larger sum and slaves to the value of another half-million were disposed of by West Indian merchants ;⁷ and,

² Colonial-built vessels were generally inferior to British-built, but were much cheaper : see the evidence of James Anderson, agent at Boston for a Glasgow firm, before the Committee of Trade (Board of Trade, Min. of Comm. of Trade, 7, fo. 486). They constituted three-quarters of all the vessels engaged in trade between the North American continent and the islands : Brit. Mus., Add. MS. 12404. The British merchants who entered the trade sent out large ships which usually followed a ' three-cornered ' route from Great Britain to North America, thence to the sugar islands, and thence again to Great Britain. But these vessels could make only one voyage a year, could trade only at large American ports where their cargoes were collected, were relatively expensive to work, and were apt to be too late in reaching the islands : Correspondence of John Reynell among the uncatalogued family papers of Joseph H. Coates, Esq., of Philadelphia, Pennsylvania. The American merchants carried on the bulk of their trade in little coasting vessels of 40 to 50 tons, which skirted the shores of the continent and cruised at will through the islands, loading and discharging cargo wherever advantage offered, and making two or three trips a year : Pemberton and Clifford papers in the library of the Pennsylvania Historical Society, Philadelphia. Statistics will be found in the Minutes of the Committee of Trade, March to May 1784, Board of Trade, Min. of Comm. of Trade, 3.

³ Add. MS. 12404, fo. 54.

⁴ Evidence presented by Irving before the Committee of Trade, 30 March 1784 : Board of Trade, Min. of Comm. of Trade, 3, fo. 124. Irish meat, though somewhat more expensive, was superior in quality and could be kept longer. Direct trade was legalized by 18 Geo. III, c. 55, and 20 Geo. III, c. 10. A certain amount appears, however, to have been carried on previously to the passage of these acts : *Massachusetts Historical Society Collections*, Seventh Series, ix, 299, 304, 306, 307.

⁵ Add. MS. 12413, fo. 20. State of the West Indies laid before parliament, March 1775. In the petition of the West India planters of February 1775 the amount is given as thirty millions (*Parliamentary History*, xviii, 219), but it may easily be demonstrated that the larger sum is approximately accurate. See *Journals of the Assembly of Jamaica*, viii, 525.

⁶ Speech of Glover in the house of commons, March 1775 : *Parl. Hist.* xviii, 461. This estimate is apparently moderate. The duty on 16,000,000 cwt. of sugar (Public Record Office, Treasury Revenue Accounts, Misc. Engl. 65) at 6s. 3½d. a hundredweight would amount to more than £500,000. The duties and excise on 2,250,000 gallons of rum (Treasury Revenue Accounts, Misc. Engl. 65) at 5s. 0¼d. a gallon would amount to £560,000. Again, customs duties alone on all West India goods imported into Great Britain amounted to about £700,000.

⁷ Great Britain exported to the West Indies goods to the value of about £1,200,000. Of these about one-quarter were ' foreign ' goods : Treas. Rev. Acc., Misc. Engl. 81 ; Add. MS. 12413, fo. 26 ; and Publ. Rec. Off., Treas., 38, 69.

finally, West Indian proprietors were scattered through most of the counties of England.⁸

But, before reviewing the deliberations on the subject, we must inquire whether any changes in the situation were produced by the war. As an immediate result of the outbreak of hostilities, trade relations between the British West Indies and the colonies in revolt became doubly prohibited—on the American side through the agreements against importation and exportation, and on the British by the prohibitory acts. The West Indians, drawing little comfort from the regrets expressed in their behalf by Congress⁹ and by Lord North,¹⁰ protested that existence under such conditions was impossible.¹¹ In view of later events it is interesting to note how they actually fared. From the outset extraordinary expedients were adopted for the securing of supplies. Prizes were offered in the islands for the raising of additional amounts of food-stuffs and for the taking of turtle and fish,¹² and the planters were thus persuaded to withdraw a portion of their land and negroes from the ordinary processes of cultivation. At the same time the shipments of food from Ireland were largely increased,¹³ the freer exportation of grain from Great Britain to the West Indies was sanctioned by statute,¹⁴ lumber was brought from the Baltic,¹⁵ and both lumber and provisions were secured to the largest possible extent from Canada, Florida, neighbouring islands belonging to neutral powers, and such parts of the thirteen colonies as were under British control.¹⁶ It must also be noted that the cargoes of the

⁸ Lord Shelburne declared in November 1778 that 'there was scarcely ten miles together throughout the country where the house and estate of a rich West Indian were not to be seen': *Parl. Hist.* xix. 1315. Persons resident in England possessed property to the value of £14,000,000 in the islands: Add. MS. 12413, fo. 20.

⁹ Congress, highly pleased at the intervention of Jamaica in behalf of the northern colonies, addressed to the assembly of that island on 25 July 1775 a letter of apology: 'We knew that we must sacrifice our own [interest] and (which gave us equal uneasiness) that of our friends who had never offended us, and who were connected with us by a sympathy of feelings under oppressions similar to our own': Ford, *Journals of Congress*, i. 79, 80, 194, 204.

¹⁰ *Parl. Hist.* xviii. 1056.

¹¹ e.g. the address of the assembly of Barbadoes, Publ. Rec. Off., Colonial Office, 28. 56. See also the resolutions passed on 7 February 1775 by the society of West India merchants and planters in London. The minutes of the meetings held by the society and its committee, 1769-83, are preserved at the offices of the present West India Committee in Seething Lane, London.

¹² A paper on the West India Trade, Publ. Rec. Off., Colonial Office, 325. 6; *Laws of Jamaica*, 16 Geo. III, c. 12, and 16 Geo. III, c. 16; *Journals of the Assembly of Jamaica*, vi. 576, 579, 589.

¹³ Correspondence relating to the trade of the United States with the British colonies, Colonial Office, 325. 6; Naval Office lists for Jamaica, 1781, Board of Trade, 6. 176.

¹⁴ 13 Geo. III, c. 43, and 14 Geo. III, c. 5.

¹⁵ Paper on the West India trade, Colonial Office, 325. 6; Minutes of the West India Merchants for 11 May 1776.

¹⁶ Naval Office lists for Jamaica, 1781, Board of Trade, 6. 176; advertisement in

many American vessels taken by British men-of-war or privateers during the earlier years of the struggle were purchased for consumption in the islands,¹⁷ and that some of the West Indians unquestionably found means to defy the prohibitory acts and carry on trade with their rebel friends.¹⁸ The exact measure of success which attended these efforts is not easily estimated on account of the various misfortunes which fell upon the islands at this time. Several suffered capture, followed by the temporary ruin or emigration of many of the substantial planting class; and all were more or less devastated by a series of violent hurricanes which occurred, most unfortunately, during the later years of the war. In order to form a proper estimate it will be well to confine our attention to Jamaica, which escaped capture, and was, from its relatively great size, best able to sustain the effects of the storms. There, we find, supplies were irregular and often insufficient,¹⁹ and the productive power of the island was substantially reduced.²⁰ Hence the planters were in 1783 particularly sensitive to the evils which might ensue should their old trade with the continental colonies be restricted or cut off. Yet the war had in other respects greatly strengthened the arguments which might be advanced for restricting, if not prohibiting, trade between the islands and the United States. The loyalty of the remaining continental colonies was felt to have merited some reward, and the migration to them of the American loyalists increased both their claims to consideration and their ability to engage in the West Indian trade. Again, the ship-owners could argue that rebels and aliens should not be allowed to engross an important branch of the British shipping industry, especially at a time when hundreds of vessels and thousands of seamen were rendered idle by the return of peace.²¹

Jamaica Mercury for 6 October 1779; Correspondence of Governor Dalling of Jamaica with governors and commanders in North America, Colonial Office, 5. 80.

¹⁷ Publ. Rec. Off., Admiralty, 1. 240; Minutes of the West India Merchants for 5 December 1777, Board of Trade, Min. of Comm. of Trade, fo. 330.

¹⁸ Publ. Rec. Off., Admiralty, 1. 241. Lists and descriptions of the vessels seized by Admiral Parker's squadron. The trade carried on through St. Eustatius is well known.

¹⁹ Treas., 64. 72. Lists of imports in British bottoms at Kingston, Jamaica, during the war. The years of greatest scarcity were 1776-8. But the ruinous prices of food and lumber would indicate that the island was insufficiently supplied at other times. See *Journals of the Assembly of Jamaica*, vii. 313, 314, 467, 577, for prices in 1780, 1782, and 1783; also the *Annual Register* for 1778, p. 304.

²⁰ Treas., 38. 269. Imports into England from the West Indies, 1774-83. The importation of sugar declined gradually from 1775 to 1781 by 50 per cent. Camden, speaking on 30 May 1777 on Chatham's motion for putting an end to hostilities in America, declared that two hundred families living in England on the revenues from their West Indian estates had already been obliged by losses to return to the islands: *Parl. Hist.* xix. 339.

²¹ The number of seamen without employment after 1783 was estimated at the remarkable figure of 60,000: Evidence of Irving, the former Inspector-General of

When therefore in 1782 the British government faced the problem of settling the future commercial relations of the various parts of the Empire with the United States, it was confronted with decided differences of opinion in political and commercial circles as to the regulation of the West Indian trade. While these differences originated chiefly from the conflict of interests just noted, they were strongly accentuated for several months by the intense personal feeling to which the war had given rise. Thus the planters, in asking for absolute freedom of intercourse, gained support from many of those who sympathized most warmly with the American cause; while the shipowners, in demanding the exclusion of the Americans from the carrying trade, and the advocates of the loyal colonies, in urging that American produce should be barred from entering the islands, had on their side men who would not unwillingly have hindered the commercial development of the United States. There was even difference of opinion as to the method of procedure which the government should pursue. The majority of those interested advocated the conclusion of a commercial treaty in connexion with the treaty of peace, but others advised that the government should prescribe regulations by statute, and leave the Americans free to follow a similar course. Both methods were, in fact, tried by the three ministries which successively took the matter in charge.

The attempts of the first of these, the Shelburne administration, to arrive at a settlement need not detain us long. In the matter of negotiation nothing was done beyond the rejection of Franklin's proposal, made in July 1782, that each nation should, in matters of commerce, treat the subjects of the other exactly as it did its own.²² Nor was the ministry able to accomplish more through parliament. It will be remembered that Lord Shelburne, whose position had been far from strong at the opening of the session on 5 December 1782, was forced to resign on 24 February following, and that the unwillingness of George III to accept the coalition of Fox and Lord North occasioned a sort of interregnum in the government which lasted until 2 April. The time was evidently unsuitable for passing important legislation, but

Imports and Exports in America before the Committee of Trade, 1 April 1784, Board of Trade, Min. of Comm. of Trade, 3, fo. 156.

²² Publ. Rec. Off., Foreign Office, Misc. 563. Franklin's proposal as originally stated bore no direct reference to the British colonies: Oswald to Shelburne, 10 July 1782. But in the provisional treaty of peace agreed to by Oswald two months later Article IV stated that in all parts of the world the ships and merchants of the two nations should, in the ports belonging to both, 'enjoy the same protection and commercial privileges and be liable only to the same charges and duties'. A draft of these articles was enclosed by Oswald to Townshend in a dispatch of 7 October 1782. They were rejected by the cabinet, and Strachey was sent to Paris to obtain their revision. Among other concessions he secured the elimination of any mention of commerce in the treaty. See Smyth, *Franklin*, viii. 628.

the ministry was subjected to constant attack for its delay in providing for the resumption of trade with the United States,²³ and before the coalition ministry was formed, Pitt, as chancellor of the exchequer, attempted to deal with the matter through a bill introduced just after Shelburne's fall. This bill granted practically all that Franklin had asked in the preceding autumn without stipulating for any return :²⁴ its effect would have been to give the Americans not only the privilege of unrestricted trade in their produce and manufactures with the West Indies, but also that of sharing the carrying trade between the mother country and the islands. But for so hasty and complete a departure from the old commercial system the country was not prepared.

The bill was violently attacked by societies of merchants and chambers of commerce from the larger trading centres²⁵ as well as in parliament. In the commons Burke, Fox, Lord Sheffield, and Sir Grey Cooper joined in opposing it ; but the leading part was played by that urbane and astute politician, William Eden, who, as a former lord of the committee for trade,²⁶ spoke with authority on commercial matters, and who, moreover, was at this time strengthening his long-standing connexion with North²⁷ by working assiduously for the establishment of the coalition government.²⁸ Brushing aside alike the generous principles of Pitt's bill and Burke's pleas for 'measures of unsolicited liberality', he declared that the amount of the concessions to be allowed to the Americans should be determined on the basis of strict bargaining. In order that the ministers might have time and authority to conclude the most favourable arrangement, he suggested that they should be given power to regulate the American trade for a limited period by orders in council.²⁹ This

²² For attacks in the press see for instance the *Morning Chronicle* for 10 February 1783. Demands for action were also being heard in the house of commons, as in Burke's speech of 28 January reported in the *Morning Herald* and *Daily Advertiser* for 29 January 1783.

²³ The text is given in Edwards, *History of the West Indies* (London, 1801), ii. 491. The bill was introduced on 3 March.

²⁴ The West Indian merchants and planters in London took the lead in protesting against the bill and secured the co-operation of the chamber of commerce at Glasgow : Minutes of the West India Merchants for 6 and 21 March 1783.

²⁵ Knox Papers, *Hist. MSS. Comm., Reports on Various Collections*, vi. 265. Knox in 1779 wrote a highly interesting sketch of Eden's life and character. While malicious and not entirely trustworthy, it throws much light on Eden's political career. Unless Knox was a consummate hypocrite, a reconciliation between the two men must have taken place before 1781.

²⁶ Eden was one of the commissioners sent to America in 1778. His connexion with North began several years before this (*Hist. MSS. Comm., Stopford-Sackville MSS.*, ii. 10), and was considered extremely close at this time (*Hist. MSS. Comm., 10th Rep.*, Append., pt. vi, 54, Jenkinson to Robinson, 16 September 1782).

²⁷ Eden's two patrons, Loughborough (Wedderburn) and Carlisle, it may be noted, became members of the coalition cabinet.

²⁸ Eden made this proposal as early as 7 March : *London Chronicle*, 8 March 1783.

scheme, designed for the benefit of the incoming administration, found considerable support, and Pitt, failing to get even the principle of his measure approved, finally proposed that consideration of the whole matter should be deferred until the first week in April.³⁰ Before the discussion was resumed the government was in the hands of Fox and North.

Fox, as secretary for the foreign department, first took the matter in charge. Convinced that it was too important for hasty settlement by means of legislation,³¹ he adopted Eden's plan of procedure by dropping Pitt's bill,³² and passed an enabling act to give authority to the Crown to regulate all trade with America by order in council for six months.³³ Meanwhile he reopened negotiations with the American commissioners at Paris. But if his method was the method of Eden, his views, as defined in his instructions to Hartley, his envoy at Paris, were not far removed from those of Pitt. He was quite willing that the Americans should trade freely in their own ships with the West Indies, provided that they carried raw produce only.³⁴ That they should trade between the islands and the mother country the government, he said, could not permit until a full investigation had been held, since English 'prejudices' on the matter were so strong.³⁵ Hartley received dispatches to this effect under the date of 10 June. He heard nothing further until he was informed, not from home, but by the American commissioners, of the issue on 2 July of an order in council for the regulation of the West Indian trade.³⁶ Since this order embodied the policy actually maintained during the ten years following, and since its provisions seem to indicate that the government's views had suddenly and entirely changed on one of the two essential points at issue, it deserves to be examined with some care. Its terms are well known. The West Indians were allowed to import American lumber, flour, bread, grain, vegetables, and live stock, and to

³⁰ The debates continued from 5 March to 2 April. Pitt in his defence showed none of his usual self-confidence, admitting at the outset that he was 'by no means tenacious of any part of the bill', and laying himself open to charges by Sheffield of weakness and vacillation. Reports of his principal speeches are found in the *Morning Chronicle* for 6 and 8 March and 3 April 1783.

³¹ *Memorials and Correspondence of C. J. Fox* (London, 1853), ii. 122. On 8 April Fox wrote to the king that, since any action on Pitt's bill would make necessary an immediate decision on the matter, he had resolved to postpone such action until further progress had been made in the negotiations with the American commissioners.

³² On 9 April Fox carried without division a motion further to postpone the consideration of Pitt's bill.

³³ 23 Geo. III, c. 39.

³⁴ Fox to Hartley, 10 April 1783: Publ. Rec. Off., Foreign Office, America, ser. 1 B.

³⁵ Fox to Hartley, 10 June 1783: *ibid.* At this time the one question at issue was the participation of American vessels in the carrying trade between the islands and Great Britain.

³⁶ Privy Council Register, Geo. III, xxi, fo. 316.

export to the United States rum, sugar, molasses, coffee, nuts, ginger, and pimento. But the importation of American meat, dairy produce, and fish was forbidden, and the trade was confined entirely to British ships.

That this apparent alteration in the views of the ministry represents no change of opinion on the part of Fox is evident from his dispatches to Hartley of a later date,³⁷ but it is certain that the cabinet was divided and that the order represents a victory for the more conservative section which attached itself to North.³⁸ Not only is this supposition on the face of it reasonable, but there is evidence that the order was drafted, on the instructions of North himself, by William Knox, who had been for twelve years under-secretary for the colonies in the North administration.³⁹ Knox, in fact, claims the credit of having suggested it and secured its adoption by the privy council in face of the opposition of Fox and Burke;⁴⁰ and, while his statements are unsupported save by general expressions of congratulation on the part of his friends,⁴¹ there is no reason for considering them untrue. Finally, we know that Eden was an active member of the committee of the privy council, in the hands of which affairs of trade had temporarily been placed,⁴² that he warmly approved of the order, and that he was in close touch with Knox.⁴³ Other influences were also at work. The anxiety of the ministry as to the attitude of the Americans had just been relieved by the news that their ports were open to British vessels⁴⁴ and by the arrival

³⁷ 'I still adhere in every particular to the system upon which my first instructions to you were planned': Fox to Hartley, 29 July 1783, Foreign Office, America, ser. 1 B.

³⁸ Adams received from England exaggerated reports to this effect. 'My advices from England are that Lord Sheffield with his friends . . . are making a party unfriendly to us; that the ministry adopt their sentiments and measures; that Fox has lost his popularity and devoted himself to North, who has the King's ear and disposes of places . . .': Adams to Livingston, the Hague, 2 August 1783, *Works*, viii. 130.

³⁹ Letter of Colonel Augustus North to Knox, dated by Knox, May 1783: Knox Papers, *Hist. MSS. Comm., Var. Coll.* vi. 191. Colonel North, on Lord North's behalf, requests Knox to prepare the draft of an act "for regulating the commerce between our remaining British colonies, our West India Islands, and the United States, as well as any other acts it may be necessary to pass this Session" with regard to the intercourse between England and America'. Subjoined is a memorandum by Knox stating that, on account of the enabling act, legislation was unnecessary, and that he had therefore drafted orders in council instead: *ibid.* Sheffield, writing to Knox, 3 July 1783, expressed pleasure that the order had been passed exactly as Knox drew it.

⁴⁰ Knox to Lord Walsingham, 20 August 1787: *ibid.* 198.

⁴¹ Sheffield to Knox, 3 July 1783; Viscount Sackville to Knox, 4 July 1783 and 20 August 1783: *ibid.* 191, 192. Sackville expressed satisfaction that North had adopted Knox's plan, and declared that the cabinet would not have known how to proceed without him.

⁴² Report of a meeting of the Committee on Plantations, 15 May 1783: Privy Council, Unbound Papers.

⁴³ Eden to Knox, 11 February 1782: Knox Papers, *ubi supra*, p. 240.

⁴⁴ Hartley to Fox, 20 June 1783: Foreign Office, America, ser. 1 B.

of American ships in the United Kingdom. Lord Sheffield had just published his cleverly conceived and ably written *Observations on the Commerce of the American States*, for the express purpose of combating the principles underlying Pitt's bill. The popularity of the book was so great, and its effect so marked,⁴⁵ that it called forth from the American commissioners bitter complaints,⁴⁶ and from Edward Gibbon a warm eulogy of its author as 'the defender if not the saviour of the navigation acts'.⁴⁷ Whether or not John Adams was right in believing that the decision of the ministry was also swayed by the influence of jealous European powers is not clear.⁴⁸

The July order in council, as I have said, embodies the policy pursued during the ten years following. Yet it was not regarded at the time as more than a temporary expedient,⁴⁹ and the most important part of its history consists in the fact that it was maintained and in the end permanently adopted. Measures were soon set on foot for inducing the government to grant more liberal terms. From America came threats of retaliation,⁵⁰ threats which were to some extent put into force by Maryland⁵¹ and Virginia⁵² before the close of the year. From the West Indies, where prices had risen from 50 to 100 per cent. on the publication of the order,⁵³ and where there was a serious appre-

⁴⁵ Sheffield was congratulated on every side and was given the freedom of the city of Glasgow: *Auckland Corr.* i. 56; *European Magazine* for September, November, and December 1783; *Scot's Magazine* for December 1783; Knox Papers, *Hist. MSS. Comm., Var. Coll.* vi. 191; *Hist. MSS. Comm., MSS. in Royal Institution*, iv. 207.

⁴⁶ Hartley to Fox, 17 and 24 July 1783: Foreign Office, America, ser. 1 B.

⁴⁷ 'The navigation act, the palladium of Great Britain, was defended and perhaps saved by his pen': *Memoirs* (London, 1827), ii. 242.

⁴⁸ Adams, *Works* (Boston, 1853), viii. 74, 85, 90, 98. Adams feared that England, France, and the other powers possessing colonies in the West Indies would agree to exclude American vessels from any participation in the carrying trade of the islands. 'The French . . . will say everything they can think of to persuade the English to deprive us of the trade of their West India Islands. They have already, with their emissaries, been the chief cause of the change of sentiments in London, on this head, against us.' But evidence is wanting to justify this conclusion. Certainly none exists in the *Despatches from Paris, 1784-90*, published by the Camden Society, 3rd series, xvi, xvii.

⁴⁹ Fox to Hartley, 29 July 1783: Foreign Office, America, ser. 1 B; *Morning Chronicle*, 19 March 1784, reporting a speech of Eden in the house of commons, 18 March.

⁵⁰ Cf. *Pennsylvania Packet*, 4 August and 12 December 1783.

⁵¹ *Laws of Maryland* (Annapolis, 1787), session of 3 November to 26 December 1783, c. 29. This act imposed a charge of 5s. per ton on British vessels entering and clearing and an additional duty of 2 per cent. *ad valorem* on British goods imported in British ships.

⁵² Henning, *Statutes of Virginia*, xi. 313, 8th of the Commonwealth, c. 5. This act conferred upon Congress power to forbid the importation of British West Indian produce in British bottoms.

⁵³ Answer to the Heads of Inquiry contained in the letter of the Secretary of State, 11 November 1784: Colonial Office, 137. 84. The answer is dated 1 February 1785.

hension of famine, came a series of protests and appeals.⁵⁴ Even in England a vigorous press campaign was set up. The coalition stuck to its guns and through a new enabling act extended the operation of the order in council until April 1784. But the opposition was as keen as ever when in December 1783 Pitt, the former advocate of the freest of intercourse, assumed charge of the government.

From the outset Pitt showed that he was prepared to afford the opponents of the existing restrictions every consideration. Negotiations were entered upon with the merchants with a view to a compromise, and it was suggested that West Indian ports should be opened to American vessels of less than eighty tons,⁵⁵ vessels, in other words, which could not easily cross the ocean nor serve as a nursery for the American fleet.⁵⁶ When the merchants, probably through over-confidence, refused to accept any limitation of tonnage, the matter was referred to the newly constituted committee of trade for investigation and report.⁵⁷ The voluminous minutes of this investigation well reward detailed examination,⁵⁸ but we may here confine ourselves to the methods which the commissioners pursued, the principles upon which they acted, and the results at which they arrived. Their method deserves high praise. Working patiently for almost three months,⁵⁹ they sought, obtained, and sifted evidence from every promising source in a manner which leaves no doubt as to their thoroughness and their honest desire to discover the truth.

The conclusion at which they arrived⁶⁰ was that the loyal colonies were already able to supply a large proportion of the lumber and provisions which the West Indies required and would in about three years be ready to furnish the whole. If they failed to consume all the rum for which the planters had to find an American market, the people of the United States, to whom it was indispensable, would be glad to purchase the rest. For the carrying trade British shipping, operating on the old three-cornered principle,

⁵⁴ Resolutions of the Committee of West India Merchants, 26 November 1783: Colonial Office, 137. 82; *Journals of the House of Commons*, xxxix. 840.

⁵⁵ Library of Congress, Franklin MSS., 1287. Benjamin Vaughan, writing to Henry Laurens, 27 February 1784, gives from memory an account of these negotiations. See also the minutes of the meeting of West Indian planters and merchants at which the proposals were discussed, Colonial Office, 137. 83.

⁵⁶ The explanation is furnished in correspondence relative to the intercourse of the United States with the British colonies; Colonial Office, 325-6.

⁵⁷ Board of Trade, Min. of Comm. of Trade, 3, fo. 1. The committee was established on 5 March 1784, and on the same day a petition of the West Indian merchants and planters, which constituted the basis of the inquiry, was referred to it.

⁵⁸ The mass of evidence presented before the committee is invaluable for the light it throws on the West Indian trade before and during the war of the American Revolution.

⁵⁹ 10 March to 31 May.

⁶⁰ Board of Trade, Min. of Comm. of Trade, 3, fo. 276 ff.

would undoubtedly suffice. Retaliatory measures on the part of the Americans were not to be feared, and could in any event be defeated by the ease with which goods might be smuggled into their country and by the opening of free ports which their merchants would be sure to frequent. Hence the islands could be cultivated at a 'sufficient' profit without the freedom of intercourse for which the planters asked, although such profit might be less than that obtained before the war. On the basis of these conclusions, all of which were more or less contradicted by the allegations of the West Indians, the committee proceeded to recommend the adoption, for the time being, of a set of regulations corresponding in all essentials with those already in force. It is interesting, too, to note that the recommendations were based not only on facts, but on certain clearly stated principles. The privilege of supplying the islands as far as lay in their power belonged to the United Kingdom and the loyal colonies, because they were 'by every right exclusively entitled to the advantages to be derived from the trade', while the carrying trade was to be in British hands, because thus British naval strength might be increased and the sailors left idle by the close of the war might be prevented from entering the navy of the United States. A fuller vindication of the policy of the coalition or a clearer statement of some of the old commercial principles could scarcely have been offered.

Well grounded as the existing regulations were thus declared to be, they secured no permanent adoption for the space of more than four years. Enabling acts and orders in council, which differed in no essential respect from those of 1783, were issued in unbroken succession until 1788.⁶¹ The ministry, as it admitted, was merely testing the system,⁶² and to numerous protests and appeals returned steadily the answer that no reason for altering it had been shown.⁶³ Whether or not the ministers were justified in adhering to their position we must now inquire.

The conclusions reached by the committee in 1784 with regard to the possibilities of supply from British North America were largely at fault;⁶⁴ but, since the government at no time attempted

⁶¹ The last but one of the enabling acts, 27 Geo. III, c. 7, provided for more rigid enforcement. The illegal introduction of American produce was made punishable by the forfeiture of both vessel and cargo. No change, save in phrasing, is to be observed in the successive orders in council: Privy Council Register, George III, xxi. 614, xxii. 91, 186, 351, xxiii. 121, xxiv. 93, xxv. 126.

⁶² Grenville in the house of commons, 11 February 1788: *Morning Chronicle*, 12 February 1788.

⁶³ e.g. Privy Council Register, George III, xxiv. 56, and Publ. Rec. Off., Board of Trade, Min. of Comm. of Trade, 7, fo. 178.

⁶⁴ Evidence of Ainslee before the Committee of Trade, March 1789: Board of Trade, Min. of Comm. of Trade, 11, fo. 220, 246; statistics on the trade of the West Indies prepared by Irving, Inspector-General of Imports and Exports for Great

to forbid the importation of raw produce from the United States, this fact is interesting rather than significant. In other respects the committee made few mistakes. The carrying trade was immediately and completely taken over by British shipping.⁶⁵ According to the most trustworthy statistics the supply of food appears to have been quite sufficient; ⁶⁶ and, while periods of scarcity and distress occurred, they would seem to have been attributable rather to the hurricanes of 1784, 1785, and 1786, than to the restrictions laid upon the American trade.⁶⁷ American measures of retaliation, needless to say, broke down, although attempted or recommended to Congress by nearly all the states.⁶⁸ It is true, indeed, that more lumber had to be obtained within the islands, that prices both of food and lumber were high,⁶⁹ and that illicit trade with the United States reached large proportions.⁷⁰ But such 'inconveniences' were not to be considered so long as the 'sufficient' profit promised in 1784 was obtained, and the shipping, exports, and revenue of the mother country were fostered. When we note that by 1788 the trade of the islands with the mother country had increased both in exports and imports by some twenty-five per cent. over what it had been

Britain, Colonial Office, 390. 5. Knox, writing to Camden, 9 June 1804, admitted that the islands could not yet be supplied from British North America: *Hist. MSS. Comm., Var. Coll.*, vi. 221.

⁶⁵ Correspondence relating to the intercourse of the United States with the British colonies: Board of Trade, Min. of Comm. of Trade, 11, fo. 203, and Colonial Office, 325-6.

⁶⁶ For instance, Treas., 64. 72, contains lists signed by Davison, the collector at Jamaica, showing that in 1784 that island received 41,000 barrels of bread and flour (as compared with an average of about 35,000 barrels before 1775) and 14,000 feet of wood (as compared with 15,000 feet before 1775). 75 per cent. of the bread and flour and 65 per cent. of the lumber were from the United States. As Jamaica was one of the last islands visited by vessels from America, it was apt to be less fully supplied than the others. More wood was cut on the island than before 1775.

⁶⁷ A committee of the assembly of Jamaica reported that 15,000 slaves had perished in the island from starvation or insufficient nutrition during the years immediately following 1783, and that the scarcity of food was the result both of the hurricanes and the exclusion of American vessels: *Journ. of the Assoc. of Jamaica*, viii. 429-30. Edwards (*Hist. of Jamaica*, 1801, ii. 511), enlarging upon this report, censured the government for its policy. It must be noted that the committee, in framing its report, was attempting to explain the attacks then being directed against the slave trade, and that its assertions were not based on evidence.

⁶⁸ Massachusetts, Rhode Island, Connecticut, New Hampshire, New York, New Jersey, Maryland, Virginia, North Carolina, and South Carolina, all conferred upon Congress power to retaliate in commercial matters against Great Britain. (See the laws of these states in the collection of the Pennsylvania Historical Society at Philadelphia.) But when Congress, in accordance with a report prepared by Jefferson and Chase, asked in April 1784 for power to regulate the trade of all the states for fifteen years, only three states gave their unreserved consent: *Journals of Congress*, iv. 392, 601-2.

⁶⁹ Grenville, speaking in the house of commons, 14 March 1787, admitted that the price of provisions and lumber purchased in America 'had risen far beyond all former precedent': *Morning Chronicle*, 15 March 1787.

⁷⁰ Answer to Heads of Inquiry in the letter of the Secretary of State, February 1785: Colonial Office, 137. 84.

before the war,⁷¹ and that nearly six hundred vessels were employed in its transport,⁷² we must conclude that the objects of the ministry had been successfully accomplished, and that no reason existed for deferring longer the enactment of a statute which should make the existing regulations permanent. In February 1788 Grenville, the vice-president of the committee of trade, introduced such a bill, which, after encountering but a flicker of the old opposition, was easily passed.⁷³

With the placing of this bill upon the statute book, the events with which this paper deals came practically to an end. A system from which the West Indians had anticipated and prophesied sheer ruin had not terminated the growth of their prosperity. Regulations which the three leading statesmen of the time had condemned had been investigated, tested, and made permanent, because in point of fact they gave the results which in those days were most desired. The contexture of the whole, to use Burke's phrase, was but little torn, and if there was depreciation in value of any of the parts, it was mainly in the part now belonging to the Thirteen States, powerless in their divisions to resist the imposition of this last navigation act. Hence, during the five years which followed, there was no change in the policy of the government or in its results, while the West Indians, engrossed in their efforts to prevent the suppression of the slave trade, relinquished their opposition. Yet the system established by North and his friends was to have no extended existence, and when, in January 1793, England expelled Chauvelin, the envoy of the French Republic, it was already near virtual abrogation. How the government during the years of the great war attempted to secure a formal observance of the act of 1788 by passing annual acts of indemnity for the West Indian governors who were forced to permit its violation, how attempts to arrive at more logical conditions were made in the negotiations with Jay and with Munro and Pinckney, and how finally in 1806 American ships were by statute admitted, under slight restrictions, to West Indian ports cannot here be told. But a review of these events, by demonstrating the ease with which the Americans were able to recapture the West Indian trade, would probably strengthen the conclusion that, from the eighteenth-century point of view, the British government was both wise and successful in its commercial policy in the West Indies during the ten years of peace.

HERBERT C. BELL.

⁷¹ Imports into Great Britain from the West Indies, 1788-9, averaged in value £4,000,000 (Treas., 64. 275) as compared with £3,100,000 in 1772-3 (Treas., 64. 276). Exports to the West Indies, 1788-9, were valued at £1,600,000 (Colonial Office, 390. 5).

⁷² Colonial Office, 390. 5, Miscellaneous Statistics on Trade.

⁷³ 28 Geo. III, c. 6: *Journals of the House of Commons*, xliii. 227, 278.

Notes and Documents

The Date of the Notitia of Constantinople

IT is agreed that the *Notitia urbis Constantinopolitanae* was composed in the reign of Theodosius II, but recently Professor Victor Schultze has ventured to assign a more precise date. In his *Konstantinopel* (1913), p. 177, he asserts that it was compiled before the building of the new western wall by Anthemius, that is, within the first five years of the reign: 'Die Datierung vor 413 kann nicht bezweifelt werden; vereinzelt mögen später Korrekturen stattgefunden haben.' It can easily be shown that this theory is untenable.

The corrections or additions which Professor Schultze would have to assume include the following: (1) *Domum Pulcheriae Augustae* (pp. 232 and 238, ed. Seeck). Pulcheria was created Augusta, 4 July 414. (2) *Domum Augustae Eudociae* (p. 237). Eudocia became Augusta, 2 January 423. (3) *Domum Augustae Placidiae* (*ibid.*). Placidia was created Augusta at Constantinople early in 424. She had received this dignity at Ravenna in 421, but had not been recognized as such by her nephew Theodosius. The palace in question was doubtless her residence while she was at Constantinople. The assumption that these items are interpolations will involve the further inference that in (4) *domos diuinas Augustarum sex* (p. 242) the numeral has been corrected. This hypothesis is in itself possible, but the author's *Praefatio* forbids us to entertain it. There we are told that the city has been transformed by the care of Theodosius:

quam [sc. urbem], supra conditoris laudem, Theodosii inuicti principis—in nouam faciem uetustate detersa—ita uirtus et cura decorauit, ut eius perfectioni, quamuis sit quispiam diligens, nihil possit adiungere (p. 229).

Now it is certain that no such improvements as are here implied were made during the first five years of the reign of Theodosius II, and these words could not have been written before a date which would make the assumption of interpolations unnecessary. If Professor Schultze is convinced that the *Notitia* cannot have been compiled after 413, his only resource would be to revise his theory and attribute the document to the last years of Theodosius I.

The difficulty which he finds in admitting a date subsequent to 424, which the internal evidence *prima facie* suggests, is that the description of the city takes account only of the original Fourteen Regions. It does not enumerate any buildings or localities in the large space which was included between the Theodosian wall, built or begun in 413 under the direction of Anthemius, and the Constantinian wall, and it assigns dimensions to the city which correspond to those of the unenlarged Constantinian city. But the reasonable inference is that for some time after the erection of the new walls, the city still officially consisted only of the Fourteen Regions. This is practically the conclusion of the late Professor van Millingen :

When the *Notitia* was written, the enlargement of the city by Theodosius was too recent an event to alter old associations of thought and introduce new points of view. 'The City' proper was still what Constantine had made it.¹

But Professor van Millingen does not seem to have realized that the Theodosian walls are clearly mentioned in the *Notitia*—in yet another passage which on Professor Schultze's theory would have to be ascribed to the interpolator :

hoc quoque spatium quod solum apertum maris circulus derelinquit, duplici muro acies turrium extensa custodit (p. 242).

This is a most important passage, because it enables us definitely to date the document within three years. The wall of Anthemius was a single wall. The outer wall was built by the Prefect Constantine in 447.² The mention of the *duplex murus* therefore the *Notitia* was drawn up between 447 and the death of Theodosius, 28 July 450.

J. B. BURY.

The English Lands of the Abbey of St. Riquier

THE *Chronicon Centulense* or Chronicle of Hariulf,¹ which records the history of the abbey of St. Riquier in Ponthieu down to 1096,² includes a charter of William the Conqueror's which seems to have escaped the notice of English historians,³ while its French

¹ *Byzantine Constantinople*, p. 17. This view had already been expressed by Déthier. I cannot agree with Preger's criticisms on van Millingen, or accept his opinion that the dimensions in the *Notitia* referred to the Theodosian city (*Byzantinische Zeitschrift*, 19, 459 *seqq.*, 1910).

² Van Millingen, p. 46

³ Published by L. D'Achery, *Spicilegium* (ed. De la Barre), ii ; and by M. F. Lot, *Chronique de l'Abbaye de Saint-Riquier*, in the *Collection de Textes pour servir à l'Étude et à l'Enseignement de l'Histoire*, 1894.

⁴ The first recension was probably completed in 1088 ; the second in 1104 : Lot, pp. xvii ff.

⁵ Mr. Davia gives no reference to it in his *Regesta Anglo-Normannorum* ; and

commentators have failed to identify its allusions correctly.⁴ It is of interest both in relation to Domesday Book, and also as supplying one additional fact in connexion with those obscure personalities, Ralph the Staller and Ralph Wader. Hariulf relates that Gervinus, abbot of St. Riquier, 1044–74, was beloved and honoured by Edward the Confessor, who bestowed many gifts on him.⁵ In his reign, moreover, the abbey was granted lands and revenues in England by a certain Breton, Ralph, who occupied a leading position at the Confessor's court.⁶ On the accession of William the abbot made an expedition to England, and obtained from the Conqueror a confirmation of the grants made in Edward's reign.⁷ The charter can be dated in February or March 1068, as a full account is given of the abbot's crossing, after the February storms had been allayed in answer to his prayers, in the second year of William I.⁸ The original was probably lost in the fire of 1131, in which the muniments of the house were destroyed.⁹ In a list of the abbey records printed by M. Lot in an appendix to the Chronicle it is mentioned as *Testamentum eiusdem [R. Willelmi] de Esperlai*.¹⁰ It runs as follows :¹¹

In nomine sanctae et individuae Trinitatis. Ego Guillelmus concessu Dei Anglorum rex, affectu mei profectus in Domino, et prece compulsus domni abbatis Gervini, monasterii Sancti Richarii, quod est situm in pago comitatus Pontivi, nihilominus quoque hortatu amicorum meorum, Radulfi scilicet comitis, necnon et filii eius Radulfi, annuentibus etiam unanimiter meae curiae primatibus, regio more concedo quidquid hi ambo, videlicet pater et filius, fratrum praelibati sancti devote concesserunt usibus. Quarum igitur ecclesiarum vel mansionum ut cunctis manifestetur cognitio, dignum duximus in praesenti denominatim manifestare scripto ; haec est, Sancti Richarii terra in Anglicis finibus sita a Radulfo comite eidem sancto tradita ; villa vocabulo Esperlais, ubi habentur hospites xxxvii, qui persolvunt annualiter unusquisque in Nativitate Domini duos equos oneratos de brais, a festivitate sancti Iohannis Baptistae usque ad festum sancti Michaelis tribus diebus omne opus Domini sui ; caeterum quod residuum est de anno, semel in hebdomada erunt ad omne opus quod eis iniunctum fuerit. Habentur inibi sex carrucae, sylva optima, terra arabilis et inculta, prata omnibus nutrimentis aptissima. Est et alia villa quae vocatur Acra, ubi habentur hospites ii molendina iii, quae solvunt xxxv oras denariorum. Praeterea omnes homines villae metent segetes tribus in hebdomada diebus, et omnes carrucae arabunt

Freeman, though he quotes from an earlier chapter a story that has a direct bearing on the grant, appears not to have noticed the charter itself (*Norman Conquest*, ii, 3rd ed., p. 544).

⁴ M. Lot (p. 240) suggests Ralph of Hereford, the Confessor's nephew, as the 'Comes R.' of the charter, whilst M. Bédier (*Les Légendes épiques*, iv. 78) identifies him with Ralph de Toesny.

⁵ *Ibid.* iv. 23.

⁷ *Ibid.* iv. 24.

⁶ *Chron. Cent.* iv. 22.

⁸ *Ibid.* iv. 23.

⁹ Lot, p. xlv.

¹⁰ Lot, p. 316.

¹¹ *Chron. Cent.* iv. 24.

tribus diebus ad frumenta et ad avenas. Est et tertia villa quae vocatur Culestorpo, quae solvit quinque oras denariorum, et carrucis suis arant terras tribus ad frumenta et ad avenas diebus. Sequitur quarta villa quae vocatur Achotes, et alia quae vocatur Apicheneam; ubi habentur omnes praedictae consuetudines carrucarum. His iungitur Merefort ex qua viii carrucas duobus diebus ad frumenta et ad avenas et in Augusto xxv homines duobus diebus ad messem metendam consuetudinaliter dominus villae habebit. Vocatur villa sequens lingua eorum Assuafam de qua habetur omnis decima tam annonae quam aliorum rerum. Est et alia quae vocatur Guenite ubi est molendinum unum et sylva, piscatio quoque optima. Hoc autem iterum iterumque cum interdicto affirmationis affirmo, ne alicuius tyranni invasione posthac usurpetur quovismodo. Haec itaque charta, ut posteris nostris immutabilis perduret, regia nostra eam auctoritate firmamus.

The eight villages in which lay the lands of St. Riquier can be identified with varying certainty in the Norfolk Domesday. 'Esperlais' is the modern Sporle, called Sparle¹² or Esparlai.¹³ It was a royal manor under Edward the Confessor, and was by him given to Ralph the Staller—the *Radulfus Comes* of Domesday and also of St. Riquier's charter. At the time of Domesday it was kept for the king by Godric the steward.¹⁴ Aera and Pichenham ('Apichenea') were berewicks of the same manor.¹⁵ Suafham ('Assuafam'), the modern Swaffham, was also a royal manor granted by Edward to Ralph, but at the time of Domesday it formed part of the extensive fief of Alan of Brittany, who had succeeded to many of Ralph's lands.¹⁶ He also held Sculatorpa¹⁷ ('Culestorpo', Sculthorpe?), which is probably identical with the Culestorpa of D. B. ii. 235 b, though Stapleton,¹⁸ following Blomefield,¹⁹ identifies the latter with Cuthorpe, near West Acre, and the *Victoria County History* suggests Colveston. Stapleton identifies 'Merefort' with Nereforda (Narford),²⁰ which is also held by Count Alan, but I have been unable to discover the whereabouts of the Cotes with which he identifies 'Achotes'. Caldachota (Caldecote),²¹ part of Harold's manor of Necton, which also included lands in Aera, Pichenham, and Culestorpa, is a possible suggestion; Cotessia (Costessey),²² held by Alan of Brittany, and Scotessam (Shotesham),²³ held by the king, where Earl Ralph had formerly held some rights, both lie at a considerable distance from the other lands, which are all within a radius of four miles from Swaffham. 'Guenite' is still harder to locate. Stapleton identifies it with Gaywode (Gaiuude),²⁴

¹² Domesday Book, ii. 119 b.

¹⁴ D. B. ii. 119 b.

¹⁷ D. B. ii. 144 b.

¹⁸ *History of Norfolk*, ix. 164.

²¹ D. B. ii. 235.

²³ D. B. ii. 191 a.

¹³ *Ibid.*

¹⁵ D. B. ii. 126.

¹⁶ D. B. ii. 144 a.

¹⁹ *Archaeological Journal*, iii. 4.

²⁰ D. B. ii. 144 a.

²² D. B. ii. 122 b.

²⁴ D. B. ii. 144 b.

which was held by Æthelmær, bishop of London in Edward's days. Æthelmær in some cases certainly held land that had formerly been held by the two Ralphs,²⁵ but a more probable identification would seem to be either Gunetune²⁶ (Gunton in North Erpingham Hundred), where Count Alan held lands, or Eastwinine²⁷ (East Winch), a berewick of Sporle.

From the fact that St. Riquier had lost all these possessions by the time of the Domesday Inquest it may be gathered that the English lands of the abbey had been swept away in the general shipwreck of the fortunes of Earl Ralph the younger after the revolt of 1075. As Mr. Round says, the shadow of his forfeiture hangs over the Norfolk Survey,²⁸ and the manors of Sporle and Swaffham reverted with his other lands to the Crown—Swaffham to be granted out again to his brother-in-law Alan of Brittany. The speedy loss of these lands may account for the absence of any English record of or allusion to St. Riquier's tenure of them. It is, however, curious that Hariulf, writing in 1088 and revising his Chronicle in 1096, should give no indication that the lands won by the pertinacity of Abbot Gervinus were no longer held by the abbey in his own time. On the other hand, Domesday records one possession of St. Riquier's in Norfolk: 'In pagraua tenet Sanctus Ricarius 1 car. terrae (de fedo federici) quam tenuit quidam liber homo t. r. E.'²⁹ Little Palgrave lies in the neighbourhood of Sporle and Swaffham, and was a berewick of Sporle manor. At the time of Domesday it was divided between William of Warenne and Alan of Brittany. Since a freeman held the lands in Edward's time, the gift must have been later than the first donation of the two Ralphs, and it was possibly meant to round off the possessions already held by the abbey in those parts. The Frederick of Domesday is probably the brother of William of Warenne, who held lands in Cambridgeshire also,³⁰ and was, according to the Liber de Hyda, killed by Hereward the Wake.³¹ Stapleton,³² who makes him the brother-in-law of William de Warenne, and the son of Queen Matilda by her first marriage with Gerbod, advocate of St. Bertin, identifies him with the Frederick who witnesses a charter of Guy of Ponthieu to St. Riquier in 1067.³³ His argument, based on coincidence and conjecture, does not satisfy Freeman,³⁴ but he establishes at least a triangular connexion between Norfolk, St. Riquier, and Flanders.

The *Chronicon Centulense*, in alluding to the elder Ralph as

²⁵ D. B. ii. 194 (Scerpham).

²⁶ D. B. ii. 146.

²⁷ D. B. ii. 125 b.

²⁸ *Victoria County History, Norfolk*, ii. 10.

²⁹ D. B. ii. 167 b.

³⁰ D. B. i. 196 b.

³¹ Freeman, *Norman Conquest*, iv. (2nd ed.) 470.

³² *Archaeological Journal*, iii. 4.

³³ *Chron. Cent.* iv. 22; Lot, p. 237.

³⁴ *Norman Conquest*, iii. (2nd ed.) 653.

'quidam nobilis, natione Britto',³⁵ puts his identity with the earl of Norfolk out of doubt, whilst reviving the problem of his birth. It is probable, however, that he is imputing Breton birth to Ralph the Staller on the strength of the lands in Brittany (Gael and Montfort) which his Breton wife brought him, and we need not reject the statement of the Anglo-Saxon Chronicle that he was an Englishman born in Norfolk.³⁶ The charter also goes to show that Ralph the Staller was alive in February 1068, and hence to help in fixing the date of his death, which, according to Mr. Round,³⁷ must have occurred before April 1070. On the other hand, the charter raises the question why an Englishman holding lands in Brittany should confer gifts on an abbey of Ponthieu. Stapleton³⁸ provides the connecting link by supposing that Ralph the Staller, like Frederick the lord of Palgrave, was a Fleming by birth, but he gives no evidence in support of his conjecture beyond that which has been already considered, and there seems no reason to accept the suggestion.

HELEN M. CAM.

The Saladin Tithe

ALTHOUGH Sir James Ramsay has made a special study of the financial side of our twelfth-century history, from the Pipe Rolls and all available sources, he has to write :

It would have been interesting to know what the proceeds of the Saladin tithe came to ; but no accounts of the yield seem to be forthcoming.¹

The other modern historians of the period seem to be equally at a loss, though Mr. Eyton—without, however, citing any authority for the statement—asserted that 'the English tax realized £13,000, of which £6,000 was extorted from Jews'.²

At the great council of 11 February 1187-8 it was decreed that the money should be raised, as Mr. Eyton puts it, 'in the course of a year', or, as the ordinance itself expresses it, it was to be ready for collection on 2 February 1188-9,³ 'infra Purificationem Beatae Virginis,' and paid over on the following day or subsequently. If any allusion, therefore, to its collection is to be found on the Pipe Rolls, we should expect it on that of 1189 (1 Ric. I).⁴ As a matter of fact, it is to be found there, though

³⁵ *Chron. Cent.* iv. 23 ; Lot, p. 240.

³⁶ Anglo-Saxon Chronicle, s. 1076.

³⁷ *Victoria County History, Norfolk*, ii. 12. Cf. *Feudal England*, p. 428.

³⁸ *Archaeological Journal*, iii. 4.

¹ *The Angevin Empire* (1903), p. 254. Cf. pp. 236, 251-4, 369-72.

² *Court, Household, and Itinerary of Henry II*, p. 285 n.

³ Benedictus Abbas, *Gesta Regis Henrici*, ii. 31.

⁴ This roll was published by the Record Commission, in 1844, as of '1189-90' owing to confusion between the regnal and fiscal years.

the fact seems to have been overlooked. On p. 178 we read, under Wiltshire :

Et pro ducend' cc marc' a Saresb[iria] usque Bristou . . . Et pro ducend' m.m. et d. lib. a Saresb[iria] usque Glocestre . . . Et pro Tonellis et Clavis ad eosdem denarios . . . Et item in Carrag[io] de m.m.m.m.m. marcis a Sar[esbiria] usque Sudhant' et pro Tonellis et aliis necessariis . . .

Et in liberatione clericor[um] Thesaurarii et Camerariorum et x Computatorum qui receperunt denarios Decimarum apud Sar[esbiriam] c. solidos.

We are here dealing with what were then very considerable sums. The total is as follows :

	£	s.	d.
[200 marcs =]	133	6	8
	2,500	0	0
[5,000 marcs =]	3,333	6	8
	5,966	13	4

The ordinance for the tithe defines it as 'decimam redituum et mobilium'. We can hardly say positively how this would work, but as 'movables' could neither be accurately tithed nor paid in as cash, one presumes that both tithes had to be paid in pennies (*denarios Decimarum*).

I desire to draw special attention to the presence of representatives of the exchequer at Salisbury for the receipt of the silver pennies. Apart from the ten tellers (*computatores*), there was a group the description of whom might be rendered either as 'the clerks [*sic*] of the Treasurer and Chamberlains', or as 'the Treasurer's clerks and the Chamberlains'. Now this is no accidental phrase; it recurs on pp. 206, 223 of the same roll,⁵ which proves that it describes a recognized group. On the roll (as yet unpublished) of two years earlier (1187) I find it occurring twice,⁶ and in this case it is definitely applied to the exchequer officers in charge of treasure in transit. The same observation applies to the two instances of its occurrence on the roll of 1184⁷ (30 Hen. II). Now this evidence is definitely opposed to the statement in the *Dialogus*, which is accepted and repeated by the commentators thereon, that the three officers who had charge of the

⁵ 'Pro locandis vi Navibus ad opus clericor[um] Thesaurarii et Camerariorum'; 'In liberatione Clericor[um] Thesaurarii et Camerariorum.'

⁶ 'Ad ducendum harnasium clericorum thesaurarii et camerariorum qui transfretaverunt cum thesauro . . .'; 'ad deferendum harnasium . . . clericorum thesaurarii et camerariorum qui transfretaverant cum thesauro' (p. 203).

⁷ 'In liberatione clericorum thesaurarii et camerariorum qui transfretaverunt cum thesauro'; 'in liberatione clericorum thesaurarii et camerariorum et in custamento ducendi thesaurum a Londonia' (pp. 87, 138).

treasure in transit were (1) the treasurer's clerk and (2) the two deputy chamberlains, who were essentially *not* clerks, but *knights*; 'hii tres simul omnes vel vicissim eum thesauro mittuntur cum oportuerit.'⁸ As there seems to have been throughout but one treasurer's clerk,⁹ it would appear that the right rendering of the phrase on the roll must be 'the clerks of the treasurer and chamberlains'. It is noteworthy that, by exception, on the roll of 1183 (29 Hen. II), the phrase used (p. 148) is 'clerico [*sic*] Thesaurarii et ij hominibus Camerarii' (?), while on that of 1182 (p. 139) it is 'in liberatione clerici [*sic*] thesaurarii et camerariorum', which is what one may term orthodox, as in accordance with the *Dialogus*.

It is obviously impossible to be certain that the Wiltshire entries quoted above prove Salisbury to have been the centre to which all the proceeds of the tithe were sent. On the one hand—though it was situated most conveniently for the dispatch of treasure to Southampton or to Bristol, as also for its receipt by road from other parts of England—we do not know of it as a financial centre. On the other, one would rather have expected that, if there were other centres, some trace of them would be found in similar entries on the roll. But there was so much lack of system as to payments and receipts at the time, that the expenses connected with the receipt, checking, and dispatch of the tithe might, in such a case, have been defrayed from other sources. As to the Jews, the roll of 1189 is silent as to any forced contribution from them towards the recovery of the Holy City. It is only incidentally that we learn from the roll of 1187 that the king in that year took a quarter of their chattels in connexion with the tallage that he was then levying.

Another point of considerable interest is raised by these Wiltshire entries. The roll, as yet unpublished, of the following year (1190) shows us vast sums being spent on the dispatch of the crusading expedition. But these were mainly derived from treasure already stored in England¹⁰ and were disbursed in this country. With the Saladin tithe it was quite different; the money was all withdrawn from currency in this country, and was then sent, in locked barrels, to ports, clearly, it seems to me, for export in bulk. I do not know if any one has studied the position of the currency, which must have caused frequent difficulty when, in the absence of banking facilities and of any system of international finance, the only way of remitting money abroad

⁸ *Dialogus* (Oxford, 1902), pp. 21-2, 62-3, 167, 169 ('tres, i.e. the two chamberlains and the treasurer's clerk'); Poole, *The Exchequer in the Twelfth Century* (Oxford, 1912), pp. 73-5.

⁹ Poole, *op. cit.*, pp. 73-4. John de Waltham was treasurer's clerk, I find, in 1190.

¹⁰ e.g. Henry de Cornhill drew £2,250 from the central treasury and £2,500 from the treasure in the Tower for this purpose.

was to export the silver pennies themselves. When these were withdrawn from currency, inconvenience must have been caused, as, for instance, by the constant drain of English money across the Channel for the wars of Henry II and Richard I. There was also the cost of its carriage and of its armed escort.¹¹ There must, therefore, have been keenly felt the need for such facilities as the Templars were able, by their international organization, to afford, for the transmission of money otherwise than in coin, very shortly after this.¹²

J. H. ROUND.

The Westminster Chronicle attributed to Robert of Reading

THE attribution of the authorship of the concluding portion of the *Flores Historiarum* down to the early part of 1326 to the Westminster monk, Robert of Reading, is based on the express testimony of the only two extant manuscripts in which that work is continued beyond the coming to England of the Cardinal Peter of Spain in February 1306.¹ The earlier of these manuscripts is the well-known Westminster version of the *Flores*, now in the Chetham Library at Manchester, on which Dr. Luard has based his text of the whole of the chronicle for the reign of Edward II.² Written at St. Albans down to 1265 and then transferred to and continued at Westminster Abbey, this manuscript has been generally recognized as the most important and original of those containing the *Flores*. After describing the murder of Sir Roger Belers in February 1326, the narrative is continued in another and somewhat later hand, beginning with this note as to authorship:

Sic frater Robertus de Redinge, quondam monachus ecclesie beati Petri apostoli, Westmonasterii, cronicarum uite quoque sue finem conclusit.³

¹¹ Cf. *Cal. of Documents preserved in France*, p. 383.

¹² *Ibid.*, p. 366.

¹ The continuation made at Tintern from 1306 to 1323 may be disregarded for our purpose, as it was clearly independent of the Westminster continuation. The new matter from it is printed by Luard, *Flores Hist.* iii. 323-48 (Rolls Series). Still more independent is the continuation printed by Bishop Stubbs as *Annales Paulini* in his *Chronicles of Edward I and Edward II*, vol. i (Rolls Series).

² *Flores*, iii. 137-232.

³ *Ibid.* 232; Chetham MS., no. 6712, f. 295 d. The folios are only occasionally numbered, generally at each tenth folio, by a modern hand. Down to f. 259 reference is facilitated by quoting the ancient numbering of the columns, two to each page, in Arabic numerals. These begin on f. 8 and end at col. 1009 on f. 259 recto. In the passage quoted above the Cotton MS., Cleop. A. XVI, f. 139, omits 'cronicarum', clearly by a copyist's mistake. Hardy, *Descriptive Catalogue of Materials of British History*, iii. 384, neglects to notice this, and adds, 'In the margin is written "Finis cronicarum R. Reding, monachi West., et inchoacio Adae Merimouthe S. Pauli"'. I can discover no such note on f. 139 of the Cotton MS. It really comes from the Chetham MS.

This statement is repeated in the Cotton MS., Cleopatra A. XVI,⁴ the only other ancient copy of this Westminster Chronicle of Edward II, which, though not earlier than the middle of the fifteenth century, is a careful and authoritative piece of work, often important for correcting errors in the Chetham MS. as well as for the original matter it contains, which latter has recently been published by Professor Tait⁴ as the Chronicle of John of Reading.

The combined testimony is quite adequate, though there is no evidence in either manuscript where Robert of Reading's Chronicle began. It has, however, been generally assumed that Robert's starting-point is the accession of Edward II, mainly on the ground that the majority of the *Flores* manuscripts stop early in 1306 and that it seems natural that the new writer should start afresh with the new reign. The fact that the concluding months of Edward I's reign are passed over in silence strengthens the notion of a new author here taking up the work, who did not give himself the trouble to fit his narrative into the story told by the preceding writer. To put it in another way, Robert is the author of the whole part peculiar to the Chetham MS. save the short section at the end, barely covering a couple of folios, which, beginning with the passage above quoted about Robert's death, carries on the narrative to the accession of Edward III. Quite recently an attempt to obtain more material for Robert of Reading's biography led to results which compelled me to reconsider the truth of the attribution to him of this chronicle. This in its turn involved the question as to where the chronicle assigned to Robert began, and induced more doubt as to the assumption of its commencing in 1307. How these hesitations arose, and how far they have been resolved, it is the object of the present note to explain.

Hitherto our chief information in print about Robert of Reading is that he was one of the forty-nine monks of Westminster, indicted and perhaps imprisoned on the charge of complicity in the robbery of the treasury of the wardrobe in Westminster Abbey, at whose supplication Edward I, on 10 October 1303, appointed a strong commission of inquiry.⁵ We were also told in 1866 that his name occurs on the infirmarers' rolls of Westminster Abbey in 1294 and 1298.⁶ The archives now preserved at Westminster do not include the infirmarer's roll of the former year: however, they enable us to trace Robert's name on every extant infirmarer's roll from the latter date until 1310.⁷ Besides this,

⁴ *Chronicon Johannis de Reading et Anonymi Cantuariensis* (1914).

⁵ *Foedera*, i. 959. In my *Place of Edward II in English History* I have accepted the attribution of the Westminster *Flores* down to 1326 to Robert of Reading.

⁶ Madden, Preface to Matthew Paris, *Historia Anglorum*, I. xxv, n. (Rolls Series).

⁷ Thanks to the kindness of Canon Pearce and Dr. E. J. L. Scott, I have been informed of this additional material for Robert's biography contained in the muniments

in September 1303, just before his indictment, Robert was associated with a servant of the house called Warin in receiving £4 17s. as their expenses on a journey on conventual business to York, then the seat of Edward I's administration.⁸ Again, on 4 September 1307, he was one of the fourteen monks who protested in a notarial instrument against the deposition of their prior, Reginald of Hadham.⁹ But the most important and last reference that may well refer to Robert is on an almoner's roll covering the period between 17 June and 29 September 1317.¹⁰ The relevant portion of this runs :

In pane empto ad participacionem pauperum pro ij ebdomadis, iiij s., videlicet pro ebdomada ijs. In participacione pauperum pro v monachis defunctis, videlicet Edwardo, R. Martyn, Iacobo, R. de de [sic] Redinge, et Petro de Cruce, xxxiij s. iiij d., pro quolibet vj. [sic] viij d.

Summa xxxvij s. iiij d.

Here we have absolutely conclusive evidence that a monk named R. de Reading was dead, and that alms were officially distributed among the poor for the spiritual welfare of the deceased brother during the summer of 1317. The only way of harmonizing this statement with the affirmation of the chronicler that Robert of Reading died in 1326 is to suppose that the 'R. de Reading' of the almoner's roll was another person of the same or almost the same name, perhaps a Richard of Reading. There is nothing impossible in the supposition, the more so as a glance at the indexes of the contemporary chancery rolls will show that Reading was a quite common surname in the later middle ages.

of Westminster Abbey. I have personally examined the references to those muniments with which these gentlemen have supplied me, and have worked through the infirmarers' rolls now extant down to the death of Edward II. These are as follows: Westminster Abbey Muniments, no. 19,318 (Michaelmas 1297–Mich. 1298), no. 19,319 (Mich. 1305–Mich. 1306), no. 19,320 (24 July 1309–24 July 1310), no. 19,321 (24 July 1310–6 April 1311), nos. 19,322 and 19,323 (Mich. 1320–Mich. 1321), and no. 19,324 (Mich. 1322 to Mich. 1323). These documents show that Robert of Reading was 'infirmus et extra chorum', and therefore received a 'pittance' of 3½d. a day from the infirmarer between the following dates: 25 August–3 September 1298; 6–11 February, 25 February–2 March, 1306; 11–22 June and eight days in October 1310.

⁸ Westminster Abbey Muniments, no. 19,839, Accounts of Jordan and R. of Aldenham, treasurers of the convent, 21–9 September 1303: 'Item fratri Roberto de Rading et Gerino, pro expensis suis versus Eboracum pro redditibus de Wiche, iiij li. xvij s.'

⁹ *Ibid.* 9499 B. Twelve of the fourteen protesting monks were, like Reading, among the petitioners for inquiry into the robbery of the wardrobe treasury in 1303. The two who were not were Robert of St. Martin and Robert of Blith. The group of documents numbered as above contains, besides this, three other interesting notarial instruments, ranging in date between 1295 and 1307.

¹⁰ *Ibid.* 18,964, dorso: 'Compotus fratris Iohannis de Wygornia, elemosinarii Westmonasteriensis, a die sancti Botulphi, anno regni regis Edwardi filii regis Edwardi decimo, usque ad festum sancti Michaelis anno regni regis eiusdem undecimo.' It is a short roll, written on both sides of one skin of parchment, so that there can be no doubt as to the dates. The hand is a contemporary one.

There was a clan of Readings holding subordinate offices in the king's household during this period, and almost down to the dissolution there was a fairly continuous succession of monks named Reading at Westminster. It is true that there is no positive evidence at this period of any other R. de Reading among the members of the convent than our Robert. There is no second R. of Reading among the forty-nine monks inculpated in the robbery of 1303, which is the fullest list of monks available at the period, though not an exhaustive one. No such person is found for this time in the authoritative list of Westminster monks which Canon Pearce is putting together from the abbey records or in the elaborate indexes to Westminster archives which Dr. Scott has been engaged for many years in compiling. Most important of all, there is no second R. de Reading in any of the surviving infirmarers' rolls, though the routine of medieval medicine involved nearly every monk withdrawing for occasional short periods to the infirmary. There is, moreover, no record of any monk named Reading at all on such rolls as are extant between 1317 and 1326, though from 1298 to 1310 Robert's name is on every such roll. Still, negative evidence derived from a large mass of imperfectly studied records cannot be regarded as shutting out the contrary possibility. In the next generation there were two Johns of Reading monks at Westminster at the same time.¹¹ In 1303 there were both a Roger and a Robert of Bures among the monks petitioning the Crown for inquiry into the wardrobe robbery.¹² Nearly at this period there were two Johns of Reading attached to the royal household.¹³ For all that, it remains improbable on the available evidence that there were two Westminster monks named 'R. de Reading' under Edward II, and that the one who died in 1317 was not the abbey chronicler.

There is something more, however, to be said on the same side. The attribution to Robert of Reading is not quite so authoritative as is the mass of the excellent Chetham MS. A significant change of hand and ink occurs with the note as to authorship, and

¹¹ The elder was John of Reading, the chronicler, who first appears in 1339/40, and apparently died in 1368/9. The other was John of Reading 'the younger', who sang his first mass in 1367/8, and died in 1375/6: Tait, *Chronicon Johannis de Reading et Anonymi Cantuariensis*, Introduction, p. 11. The care taken to distinguish between these two namesakes is, Canon Pearce tells me, characteristic of the Westminster archives, and therefore makes against the hypothesis of the two R.'s of Reading under Edward II.

¹² *Foedera*, i. 959.

¹³ One was John of Reading, king's merchant, executed in 1313 for forging the king's privy seal (*Foedera*, ii. 200-1), and the other John of Reading, king's sergeant, who was a purveyor of lodgings and harness for the king's horses and carts from 1312, and later in the service of Queen Isabella to 1326: *Calendar of Patent Rolls, 1307-13*, pp. 518, 558; *ibid.* 1313-17, p. 486; *ibid.* 1317-19, pp. 316-17; *ibid.* 1324-7, p. 338. A third John of Reading, tenant-in-chief, died in 1305: *Cal. Inquisitions*, iv. 189-90.

the latter passage of the note gives us some material for hesitation. It continues as follows :

Et in premissis magister Adam Murimoth, olim canonicus ecclesie sancti Pauli, Londoniis, qui texuit ab anno regni regis Edwardi secundi post conquestum sexto usque ad annum regni regis Edwardi tercii filii eiusdem uicesimum, luculencius procedit.

This statement, and therefore the attribution to Robert of Reading, could not on the face of it have been written before 1346. It was probably written considerably later, for the new hand of the scribe, though a fourteenth-century one, suggests the writing of a good generation later than that of the earlier entries. But the problem of handwriting must be reserved for the present. Here there is only need to point out that the later penman, who may, as we have seen, have been wrong about Robert of Reading, is also in error in making Murimuth begin in 1312/13, when he really starts from 1303, and is certainly incorrect in assigning to him the chronicle of the next twenty years.

The ' liber Westmonasterii ', as the Chetham MS. repeatedly calls itself, only gives us this so-called Murimuth continuation down to the recognition of Edward III as king in January 1327. But the whole of the chronicle, here assigned to Murimuth, can be read in our other manuscript, Cotton, Cleopatra A. XVI, and this manuscript, both at its beginning of this section in 1326 and at its end in 1345, repeats the attribution to Murimuth.¹⁴ Professor Tait, who has printed and annotated all this ' middle section ' of the Cotton MS. which in any wise departs from simple reproduction or abbreviation of earlier authorities,¹⁵ has clearly shown that it is not Murimuth at all. Its very barrenness alone can make it ' luculencius ' than Reading's turgid prose. A mere summarizer of Murimuth for the first twelve years, the writer shirked the labour of abbreviation when Murimuth became a lengthy historian, and lazily fell back into the easier task of cutting down the more succinct Chronicle of Robert of Avesbury. Now Avesbury's Chronicle was not put together until after September 1356 at earliest. The fact that the Cotton MS. goes on straight from the conclusion of this so-called Murimuth to the chronicle of John of Reading, which continues until 1367, may still further put back the date of the ascription of the earlier part of this chronicle to Robert of Reading. The obvious moral is that the attribution

¹⁴ Under 1326 with the careless variant of ' nixit ' for ' texuit ' it is verbatim as above. Under 1345 it says ' Ab anno igitur gracie mcccxxv hucusque magister Adam Merimouth . . . premissa chronicavit ', f. 152 d (Tait, p. 99). The repetition of ' premissa ', which has more meaning here than in the first quotation, is curious.

¹⁵ *Ibid.*, pp. 77-90.

to Robert only dates from the second half of the fourteenth century. Moreover, it is made by an incurious and inaccurate writer. On the whole, then, we are almost forced to the conclusion that Robert's connexion with our chronicle, at any rate for the period 1317-26, is not proven. Yet none of these points can definitely disprove the authorship of Robert, for it is almost as likely that there were two monks of Westminster called R. of Reading as that either the infirmer or the official chronicler blundered so grossly. But, if blunder there were, the chronicler is the more likely culprit.

Some points still remain to be discussed. We may still maintain that the testimony of the chronicler is enough to suggest that Robert of Reading wrote the annals of the abbey down to his death, and that his pen was then taken up by another monk whose name was forgotten. But if Robert died in 1317, ought not the *Flores* to show some marked change of style and treatment about that time? This question may be summarily answered by affirming that there is no difference at all about the year 1317 such as would suggest a change of authorship. There is, however, the further question, when did Robert of Reading begin to write? This question, like the former, can only be answered by internal evidence. But some further study of the manuscripts and of the matter of the Westminster chronicles of this period may throw some light upon our difficulties and perhaps raise some other little problems.

The general opinion is that Robert of Reading began to write the Westminster Chronicle from the accession of Edward II. The chief reason for this view is the circumstance that nearly all the chief manuscripts of the *Flores*, save the two with which we are specially concerned, came to an end somewhere towards the conclusion of the reign of Edward I.¹⁶ This was the case, not only with the chronicles preserved at Westminster itself, but with the adaptations, based upon the Westminster material, which were made in other houses. For instance, 1306 is the terminal point of the chronicle of Merton Priory, now at Eton College, and rightly regarded by Dr. Luard as next in importance to the Chetham MS. It is the same with the Rochester version, found in Cotton MS., Nero D. II, and the chronicle of St. Augustine's, Canterbury, in Harl. MS. 641, to say nothing of Dr. Luard's 'MS. W.', the only copy of its own chronicle still in the possession of the church of Westminster. If there were later continuations, such as our Chetham MS., or analogous continuations for other churches, such as the annals of Tintern or the *Annales Paulini*, they must be regarded as entirely separate undertakings. But not only at Westminster and its allied houses was the end of Edward I's

¹⁶ Details are given in Dr. Luard's introduction to his *Flores*, i, pp. xii-xxxiv.

reign a turning-point in chronicle writing. Murimuth in his well-known preface tells us that he could find no good chronicle down to 1302 save at Exeter, whose chronicle stopped in that year, and at Westminster, where the annals were continued down to 1306.¹⁷ Almost a generation later, Murimuth knew of no Westminster Chronicle after 1306.

The abrupt cessation of the Westminster chronicles is further shown by the fact that the last months of Edward II's reign are nowhere recorded by them. What is more natural to suppose than that a new writer should be called in when the interrupted task is taken up a few years later? Yet this assumption is perhaps weakened by other considerations. Three circumstances in particular make me hesitate to fall in with the current view. The most important is that the matter of the chronicle suggests a single authorship from at least 1302 to 1326. The former of these dates may well be pushed back to 1299, the starting-point of the Cleopatra MS. And there is some technical evidence, suggested by an examination of the Chetham MS., which would refer the break of authorship to almost the same date, or perhaps a year or two earlier. Let us take these three points in turn.

Many fourteenth-century monastic chronicles are so wanting in character and individuality that internal evidence of style and treatment is of little value in determining problems of authorship. At first this is emphatically the case with the Westminster Chronicle itself. When in 1265 the Chetham MS. left its original home in St. Albans, its early continuators at Westminster, despite a respectable beginning, showed an increasingly inhuman lack of personality. It is a chronicle that anybody might have written. With the turn of the century the chronicle begins to improve. With the description of the battle of Courtrai in 1302, the siege of Stirling, and the robbery of the wardrobe treasury at Westminster Abbey in 1303, it assumes a distinctive individuality of its own which in my judgement it retains until the story of the death of Roger Belers early in 1326.¹⁸ This individuality is perverse and unattractive; but it shows character, coherence, sound knowledge within certain limits, and a single way of looking at public events. Turgid and bombastic in style, factious, brutal, and prejudiced in its judgements, there runs through it all a string of unity that makes it impossible to separate the authorship of the last years of Edward I from that of the

¹⁷ 'Et in ecclesia Westmonasterii inueni cronicas usque ad annum Domini millesimum cccv^{um}, ex quibus assumpsi illud quod mihi utile uidebatur': Preface to *Continuatio Chronicarum*, p. 3 (Rolls Series). In Murimuth's perverse chronology '1305' here means most people's 1306.

¹⁸ Compare my *Place of the Reign of Edward II in English History*, pp. 6, 11.

reign of Edward II. Throughout there is the unnecessary amplification of the narrative, and also a decided darkening of its counsel, by reason of the exceptional infelicity of its efforts to interweave into the narrative tags from the Vulgate and scraps of poetry. The writer's misapplied love of Scripture leads him to introduce whole paragraphs from the profane parodies of Holy Writ called 'passiones', then at the very height of their popularity. He writes serious history from the 'passion of the perjured Scots' and the 'passion of the monks of Westminster according to John'.¹⁹ There are no 'passiones' quoted under Edward II, but the other characteristics already established are only intensified by the more definite political purpose which now inspires the chronicler and makes him the most rancorous of the literary enemies of Edward II and the bitter opponent of the courtiers, the Templars, the Dominicans, and the would-be reformers of the exchequer. His passionate hatred of the king and court is repeatedly emphasized by some instance of neglect or injustice from which the Westminster convent suffered. The cruel charge of robbery brought by the father in 1303 only prepared the way for the many wrongs done to the community by the absentee son.²⁰ If we cannot draw a line after 1306, still less can we draw one in 1317. The whole chronicle from 1302 to 1326 appears to me to proceed from a single mind.

The evidence of the Cotton MS., Cleopatra A. XVI tends to confirm this purely subjective impression. The portion of that manuscript with which we are concerned gives us a continuous narrative history from 1299 to 1367, of which the first part,

¹⁹ The 'passio Scotorum periuratum' is printed in *Proceedings of the Society of Antiquaries of Scotland*, xix. 166 sq. (1885). The 'passio monachorum Westmonasteriensium secundum Iohannem' (*Flores*, iii. 117) is not extant, though we may guess some passages from the text of our chronicler. A marginal note adds 'queratur passio monachorum Westmonasteriensium apud sanctum Augustinum, Cantuarie, et similiter apud Dovoriam'. That search has not yet been fruitful. It is certainly not to be found in the St. Augustine's MS. of the *Flores* in Harl. MS. 641, which is there attributed to John Bevere, usually identified with John of London. For other contemporary passiones see 'Passio Francorum secundum Flamengos' at Courtrai in Adam of Usk, pp. 107-10, ed. E. M. Thompson, and the 'Narratio de passione iusticiariorum' in Tout and Miss Johnstone's *State Trials of Edward I*, pp. 93-8.

²⁰ The Westminster chapter records add to the allegations of the chronicler further authentic illustrations of the reasons why the monks disliked Edward II. The following extracts come from John of Worcester's almoner's roll of 1317, already quoted (no. 18,964): 'Idem reddit compotum de xvi s. receptis de herbagio de Gosemede vendito, et non plus, in feno ueteris herbagii, quia ministri regis totum precium et fenum ceperunt, asportauerunt et non soluerunt'; 'In curialitate facta hominibus custodientibus magnos equos regis ne frangerent ostia grangie pro auenis capiendis, ij s.' The 'curialitates' of 3s. 4d., which were also paid by the convent severally to the steward of the king's household and his clerk, and to the steward of the queen's household and his boy, were doubtless customary tributes of courtesy; but all the items quoted show the need of reform of the household, such as was attempted in the Household Ordinance of 1318.

1299–1326, and the third, 1346–67, are definitely ascribed to the two Westminster monks, Robert and John of Reading, while the intervening portion, the least valuable, is also clearly of Westminster provenance.²¹ No stress can be laid on the fact that the whole of this manuscript was copied out by a single mid-fifteenth century scribe.²² But there must have been some reason for beginning the story in 1299, and there is no ground for suspecting, as is often the case, that an earlier part of the manuscript has been lost. I suggest that the reason is that it was because at this point the new chronicler, believed by the continuator to have been Robert of Reading, took up his pen, and that the attribution to a single writer of the whole of the story down to February 1326 is the most natural interpretation of the note of authorship which there is every reason to believe covers the whole of the narrative here written out. The weakest point of the argument is that it accepts the indirect testimony of the continuator as to the unity of authorship, while suggesting that he was misinformed in calling the author Robert of Reading. Another flaw in the proof is the fact that from 1299 to the end of 1301 the halting story goes on very much on the lines of the undistinguished chronicle writing of the earlier sections of the Chetham MS. But the new writer had perhaps not yet warmed to his work. He only acquired, we may imagine, his peculiar style and attitude when he had practised his pen by three or four years of dullish history written on traditional lines. Murimuth himself begins in quite as colourless a way; but, like our Westminster monk, he begins to assert his individuality after a little practice. At first the chronicler worked in continuation of the old *Flores*, and how much his early composition was appreciated we may see in its numerous copies and in the various amplifications of it down to 1306, notably in that of the canons of Merton. But early in 1306 there was a pause in historical composition at Westminster, which may be easily accounted for both by the distracted state of the abbey and the condition of public affairs. When the same chronicler resumed his pen some time later, the early copies down to 1306 had already gone to the other churches, and the continuation, carelessly ignoring the stirring events of the close of Edward I's life, and only resuming the narrative with Edward II's accession, never for some

²¹ Dr. Armitage Robinson would assign the second portion, 1326–45, to John of Reading; and a Reading chronicle, covering nearly seventy consecutive years, is an attractive idea. Professor Tait has, however, given reasons for questioning this *Chron. Johannis de Reading*, pp. 5–6. The occurrence of the first part of the text in the Chetham MS. and its insertion in the Cotton MSS. between the work of the two Readings seem conclusive as to its Westminster authorship.

²² Mr. J. P. Gilson thinks the Cotton MS. is probably of the middle of the fifteenth century: *ibid.*, p. 19.

reason acquired the popularity of the earlier part of the history and so has lurked in manuscript until Dr. Luard first put it forth in print. It had, in short, a fate not very dissimilar, and perhaps for analogous reasons, to that of the still more scandalous St. Albans chronicle of 1376-7, whose importance was only revealed to historians when it was published in 1874 by Sir Edward Maunde Thompson.

An examination of the Chetham MS. may perhaps tend slightly to strengthen this hypothesis.²³ In this we find that the part of the chronicle running from the beginning of 1303 to the death of Belers early in 1326, is written in a single, neat, uniform, and careful hand.²⁴ It would be rash to say that it was the hand of the author, though it is probably the hand of a monk of Westminster of his time, and is certainly the work of a single person. There is no need for us to concern ourselves with the pre-Reading section of the *Flores* until we get to nearly the end of it. It suffices to say that, though Westminster penmanship is on a lower plane than that of St. Albans, it was continued by various neat and careful scribes from 1265 down to 1292. Then evidences of great disturbances in order and method begin. At the end of col. 992, nearly at the end of that year, a fifteenth-century hand has written an instruction to a copyist, 'hic incipe'.²⁵ Just before this the hand changes, and a new script goes on to the middle of col. 1009, the last column now numbered in the MS.²⁶ Then a new hand begins after 'tayllagium non debet exigi vel imponi',²⁷ and finishes two columns later, at the end of folio 259 d, ranging from 'comitibus itaque' to 'Rodolphi ducis Austrie'.²⁸ This is a much larger and bolder hand than any other in the manuscript. This treats of the year 1298, and in the midst of that annal there begins on f. 260 with 'belloque indicto' a hand even more different in character from its predecessors than those already described. It continues for two folios (ff. 260 and 261), terminating at the end of the quire with the story of Courtrai.²⁹ And the abrupt termination of the Arabic numbering of each column of the manuscript, which had been given from

²³ I must thank Mr. A. G. Little for kindly inspecting the manuscript with me. I have largely availed myself of his suggestions in the text.

²⁴ This ranges from f. 262 to f. 295 d; the printed text is in *Flores Hist.* iii. 112-232. Dr. Luard notes that 'the other MSS. generally agree with Chetham.' The only exceptions I have noticed to this uniformity of script in Chetham are three obvious later insertions, in each case limited to a single sentence, dealing with Westminster domestic history. These are the burial of Hugh Bohun at Westminster on 15 July 1304 (*Flores*, iii. 121, MS. Chetham, f. 264), the burial of his sister Mary on 7 February 1306 (*ibid.*, p. 129, MS. f. 266), and the succession of Hadham as prior, recorded in the upper margin of f. 266 (p. 129).

²⁵ The column ends 'obiit pie memorie'; *Flores*, iii. 84.

²⁶ Probably the columnar numeration of the verso of this folio has been cut off by binders.

²⁷ *Ibid.* 103.

²⁸ *Ibid.* 104.

²⁹ *Ibid.* 112; 'the other MSS.', Dr. Luard notes, 'generally agree with Chetham. I do not understand what he means by this. One of the rare catch-words of MS. Chetham in its present state, 'anno gracie m°cccij°', is good evidence of the end of the quire.

its beginning, now ceases, and emphasizes the difference between what had been written before these folios and the remainder of the work from f. 260 onwards.

Dr. Luard has been at pains to record most of the changes of handwriting in the later part of the Chetham MS. He did not, however, notice that the hand of ff. 260 and 261 is much later in character than that of its immediate neighbours, distinctly later than that with which is written any other part of the chronicle that can be possibly associated with Robert of Reading. Mr. Little is decidedly of opinion that these two folios are in a mid-fourteenth century hand, and that it is that of the scribe who wrote the last two folios from the ascription of authorship to Reading on to the end. Dr. Luard holds that the note of authorship is written in one hand, and that a second new hand begins with the resumption of the narrative, and continues to the end of the work. Mr. Little, however, cannot distinguish between these two scripts. The ink of the ascription may be a little blacker, or the pen thicker, but the letters are formed in exactly the same way. Moreover Mr. Little convinced me of the truth of his judgement that the hand of the writer of the concluding folios is the same as that in which ff. 260 and 261 are written.

The significance of the curious varieties of hand between 1293 and 1302 may well be variously judged. One thing, however, is clear. It seems evident that a certain portion of the original Chetham MS. was destroyed, and that the gap was supplied about the middle of the fourteenth century by another transcriber, who was the man who wrote the part at the end after the record of Robert of Reading's death. Now this portion recopied in the late hand begins in 1298, just before the incipit of the Cotton MS. in 1299.³⁰ This evidence of recopying and rearrangement may not impossibly strengthen the suggestion already made that the commencement of the Cotton MS. in 1299 is not an accident, and may have a bearing on the problem of authorship. Valueless in itself, it can surely be regarded as slightly corroborating the suggestion already offered that what we may still, for convenience, call Robert of Reading's Chronicle began either in 1299 or in 1303.

The evidence makes strong conviction impossible, but the search for light may at least suggest that a more minute examination of the Chetham MS. than has hitherto been attempted may yield some reward to those interested in fourteenth-century historiography. Besides the curious variations I have already mentioned, the manuscript abounds in marginal annotations and notes, largely in fifteenth-century or later hands.

³⁰ The former beginning is in iii. 104, with 'belloque indieto' at the bottom of the page. The incipit of the Cotton MS., 'anno gracie mcccix^o', is nearly at the head of iii. 106.

Among these is the cryptic marginal note at the end of 1313, 'huc usque habetur in libro R. Gat',³¹ which Dr. Luard regarded as contemporary. This reading is not quite certain as the writing is faint, but it seems to afford no evidence of authorship, being probably the work of the diligent fifteenth-century student who scored 'hic' and other notes of attention on many parts of the margin. A thorough examination of the make-up of the manuscript is, however, very difficult in its present condition, as the modern binding, besides ruthlessly cutting away catchwords and the like, presses the sheets so closely together that it is almost impossible to determine where the quires begin and end. Even a more careful collation of the Chetham MS. with Cotton MS. would not be quite fruitless. Dr. Luard has indeed recorded many Cotton readings of importance. But sometimes the variations of his text from the Chetham MS. are based on the authority of the Cotton MS., without being mentioned as such, while in other cases the reading seems apparently his own conjecture. And the real gap in the narrative between the beginning of 1306 and the summer of 1307, minimized by the arrangement of the Chetham MS., is emphasized by Dr. Luard's arrangement of type.

In conclusion, I may illustrate the value of the chronicle attributed to Robert of Reading as a record of facts by a reference to the last incident described in it, the exchequer reform attributed in it to Sir Roger Belers, and his subsequent murder by private enemies in Leicestershire.³² Chroniclers are seldom interested in administration, and, when they are, they rarely speak of administrative history with knowledge. It was inevitable therefore that this remarkable suggestion of an attempted division of the exchequer into two branches should attract little attention or credence, so long as it rested on the unsupported testimony of a single chronicler. I recently attempted to deal with the passage, but was then unable to substantiate it from records.³³ Such illustration is, however, abundantly supplied in certain passages of the Memoranda Rolls of 17, 18, and 19 Edward II,³⁴ which prove up to the hilt the substantial accuracy of the Westminster chronicler's statements of fact.

³¹ Chetham MS., f. 273. Mr. Little thinks it is a fifteenth-century hand and written, not with a stylus, as Dr. Luard states (i, p. xv), but with ink. On c. 1001 the same hand wrote in the lower margin under 1295 'annus iste est a coronacione sancti Edwardi com^{ms}l iiii'.

³² *Flores Hist.* iii. 231-2.

³³ *The Place of Edward II in English History*, pp. 200-1.

³⁴ The discovery of these important documents is due to Mr. J. Conway Davies, and I am much obliged to him for calling my attention to them.

The royal writ ordering the division of the exchequer was issued on 16 June 1324, and runs as follows :

BARONIBUS PER REGEM DE SEPARACIONE SCACCARIL.

Edward, par la grace de Dieu etc., as tresorier³⁵ et barons de nostre eschequer, saluz. Vous deuez bien entendre par reson coment nous auoms meinte foiz chargez et fait charger qe la place de nostre eschequer feust seuree en la fourme qe vous estoit auant liere par escrit, et qe les ministres assignez en cele place issint seurez eussent este en lour places en fesant lour office lendemain de la Trinite prochein passe,³⁶ pur plus prestement deliuerer nostre poeple a lour esement e a nostre profit, la quele chose nest pas vncore fait, dont nous nous emmerueilloms et sumes mal paiez. Parquoi vous mandoms et chargeoms en la foi et la ligeance qe vous nous deuez, et sicome entre vous touz voillez eschure nostre indignacion, qe les places soient seurez. Et les ministres en lour places soient solonc la fourme auantordine y ce lundy prochein apres les vtaues de la Trinite³⁷ sanz plus delai, tout soit il qe les places entre cy et la ne puissent estre suffisamment apparailles par la lacheste de vous, tresorier, et des ouerours qe sont desouz vous. Et qe vous sachez pleinement nostre entencion en ceste chose, vous fesoms sauer qe nostre volente est qe vous, Wautier de Norwyz, demoergez chief baron en la place qe vous ore tenez,³⁸ et qe mestre Robert de Ailleston³⁹ et Edmon de Passele⁴⁰ demoergent barons pres de vous en mesme la place ; et qe vous, Roger Beler,⁴¹ soiez chief baron en la nouvelle place, et qe Sir Humfrei de Valeden,⁴² et sire William de Euerdon,⁴³ et sire William de ffulbourn⁴⁴ demoergent barons pres de vous en meisme la place. Et par comun consail dentre vous, par la foi qe vous nous deuez, facez mettre couenable persone au grant roulle en lieu le dit sire William de Euerdon. Et si voloms qe solonc ce qe les contez de nostre roialme sont partiz par remembraunce qest deuers vous, les gentz des contez deuers le north et les ministres et les busoignes qe sont assignez vers celes parties soient exploitez en cele place qe vous, Wautier de Norwyz, et vos compaignons tendrez ; et ceux deuers le suth en la place qe vous, Roger, et voz compaignons, tendrez, et ce a nostre volonte et iesques a tant qil nous pleise autrement ordener. Et vous, tresorier et chanceler de eschequier,⁴⁵ purveez et assignez clerks souz vous, qi pussent seruir en voz offices en lune place et lautre, issint qil y soient ordenez engrossers et remembrancers solonc ce qe voz verrez qe mielx soit a nostre profit. Par qoi vous chargeoms derechief qe cestes choses soient faites et mis en execucion au jour auant nomez sanz plus delaier, et qentre vous ne les mettez pas en delay. Car nous ne le soeffrons point. Et voloms qentre vous facez le serment qe nous auoms baille a nostre tresorier pur

³⁵ Walter Stapeldon, bishop of Exeter since 10 May 1322.

³⁶ 11 June.

³⁷ 18 June.

³⁸ Sir Walter of Norwich, chief baron since 30 May 1317, probably then acting as Stapeldon's locum tenens.

³⁹ Appointed baron 21 May 1324.

⁴⁰ Appointed baron 20 September 1323.

⁴¹ Appointed baron 20 July 1322.

⁴² Appointed baron 18 June 1324.

⁴³ Appointed baron 18 June 1324, previously keeper of the great roll.

⁴⁴ Appointed baron 1 June 1323, previously remembrancer.

⁴⁵ Hervey of Staunton, appointed 26 March 1324.

faire a nous, sicome il vous chargera, en nostre noun. Et ce en nulle manere ne lessez. Et nos auoms fait faire commissions as ditz Humfrey et William de Euerdon, qe ne ont mye vncore eu commissions d'office de baron de nostre dit eschequer.⁴⁶ Donne souz nostre priue seal a nostre tour de Londres, le xvij^{me} iour de Juyn lan de nostre regne xvij^{me}.⁴⁷

To emphasize the full significance of this remarkable document would take us too far from the Westminster chronicler, but it may be remarked that this experiment in administrative decentralization combined with a single control is one of the most remarkable of the many reforms of the period, and is the more noteworthy since it was, as the writ shows, forced upon a reluctant treasurer and barons by reiterated and peremptory royal orders. However, on the appointed day, 18 June 1324, the separation of the exchequer was carried out. The result is shown in the splitting up of the Memoranda Rolls of 18 and 19 Edward II into two parts, one dealing with the southern, and the other with the northern counties.⁴⁸ The division of the kingdom for this purpose was not on the conventional lines of north and south of Trent. The southern shires, brought under Belers, were Norfolk and Suffolk, Cambridge and Huntingdonshire, Essex and Hertfordshire, London and Middlesex, Kent, Surrey and Sussex, Hampshire, Wiltshire, Gloucestershire, Worcestershire, Somerset and Dorset, Oxfordshire and Berkshire, Devonshire, and Cornwall. The rest were within Norwich's sphere, with the curious result that, while the counties of Buckingham, Bedford, and Hereford were thus 'northern', Worcestershire and Norfolk were 'southern'. It is notable that, though a similar policy of decentralization had inspired the breaking up of the two escheatorships into eight local escheatorships between November 1323 and June 1324, the new escheatorships overlapped in two cases with the northern and southern spheres of the divided exchequer.⁴⁹ The experiment

⁴⁶ This categorical statement disposes entirely of my conjecture that this Humphrey of Walden was the same person as the Humphrey of Walden appointed baron on 10 October 1306; *Place of Edward II in English History*, p. 344.

⁴⁷ Memoranda Roll, K. R., no. 97. 'Breuia directa baronibus de termino sancte Trinitatis anno xvij^o,' m. 4.

⁴⁸ Memoranda Roll, K. R., no. 99, 18 Edward II, southern part; no. 100, 18 Edward II, northern part; no. 101, 19 Edward II, southern part; no. 102, 19 Edward II, northern part. Similarly with the L. T. R. series; no. 95, 18 Edward II, is southern; no. 96, 18 Edward II, is northern; no. 97, 19 Edward II, is southern; and no. 98, 19 Edward II, is northern.

⁴⁹ Richard le Wayte administered Wilts, Hants, Oxon., and Berks. under the southern, and Beds. and Bucks. under the northern place; John of Hampton was escheator for Gloucester and Worcester among the southern shires, and for Hereford, Salop, and Stafford among the northern counties: *Place of Edward II in English History*, pp. 363-4. I do not know where the Welsh March—where Hampton also acted—came in, but most probably it was astride both branches of the exchequer. Each of the other six English escheators dealt with shires exclusively under either Belers or Norwich.

of the division of the exchequer may well explain the retirement of Stapeldon from office in July 1325. But the whole subject is well worth working out in detail. Even here it should be noticed that the separation did not, as I suggested earlier, involve as in 1322-3 two exchequers, working simultaneously at York and Westminster. The new 'place' of the writ, appointed for the sessions of the southern exchequer, seems clearly to have been some portion of the exchequer premises at Westminster, close to the 'place' of the usual meetings, where Norwich, without any change of quarters, was henceforth to preside over the northern department alone. But local decentralization might well have followed, and was perhaps prepared for when Archbishop Melton of York was made Stapeldon's successor at the treasury. However, Belers' death followed a few months after, in January 1326. Thereupon the whole plan of separation seems to have been dropped. This fact, as well as the enormous improvement in Belers' position, as the result of the new plan, may easily explain the Westminster chronicler's attribution of its origin to the overweening ambition of the renegade Lancastrian knight.

T. F. TOUR.

The Travels of Edward Webbe

EDWARD WEBBE, born apparently in 1554, declares himself the son of Richard Webbe who (it is known) was Master Gunner of England in that year. The work in which his adventures are related bears the following title :

The
Rare and most wonderful
things which Edward Webbe
an Englishman borne, hath seene and passed
in his troublesome trauales, in the Citties of Ieru-
salem, Dammasko, Bethelem and Galely : and
in the Landes of Iewrie, Egipt, Grecia,¹
Russia, and in the Land of Prester John.
Wherein is set foorth his extreame slauerie sust-
ained many yeres together, in the Gallies and wars
of the great Turk against the Landes of Persia,
Tartaria, Spaine, and Portugall, with the
manner of his releasment, and coming
into Englande in May last.²

The 'Epistle to the Reader' is dated 19 May 1590.

In 1566 Edward went to Russia as page to our ambassador, Captain Anthony Jenkenson, and he was in Moscow when the city

¹ Printed 'Gtecia' in the book.

² Arber's *English Reprints*, No. 5, 1868.

was burned by the Tatars in 1571. He escaped from the flames only to be seized by the Tatars, who carried him to Kaffa in the Crimea, where he remained a prisoner until 1576. The sole observation he makes on his sojourn among the Tatars occurs on p. 18: 'I noted especially this one thing, that their children being new born, do never open their eyes until they be 9 days and 9 nights old,' an assertion (I am told by an able physician) without any foundation in fact. Elsewhere, however, he makes two statements which refer indirectly to this period. He states that he served in the *Royal* under Don John at the taking of Tunis (p. 35). If this were so, he could not have been in Kaffa in October 1573. Again, he tells us (p. 32) how pleased he was to see an Englishman, Lord Oxford, defeat all comers at a tournament in Palermo. It is true that Edward de Vere, 17th earl of Oxford, travelled once in Italy; ³ but he was there in the year 1575, during the alleged imprisonment of Webbe at Kaffa. Webbe complains of a defective memory, as Mandeville had done before him; ⁴ but forgetfulness cannot explain the observation about the eyes of Tatar infants, and does little to explain the difficulties about Tunis and Palermo.

After being ransomed from the Tatars, Webbe appears to have travelled through Russia to the Baltic, whence he sailed for England, and presently he sailed from England to Alexandria via Leghorn. At Alexandria he embarked on the *Henry* to return home, and on the voyage the ship was attacked by 50 Turkish galleys, 'with which we fought for two days and two nights' (p. 19). It was only after 50 men out of a crew of 60 had been killed that they struck their colours and were carried off prisoners to Constantinople. Webbe remained a prisoner with the Turks for 6 years (twice, p. 20) or 13 years (p. 29). Webbe's account of this fight is at least grossly exaggerated, and it is inexplicable that a master gunner should make no allusion to the service of his guns. No detail is given which satisfies us that he was present, or invalidates the supposition that the account was written by one living in England who heard of the fight from a gossip or invented it.

When Webbe reaches the wars of the Turks with the Persians he fairly quits the domain of history and enters into the region of romance. He does not, indeed, visit the Dark Land through which Alexander the Great passed in his vain search for the Fountain of Life, ⁵ but he enters the realm of the fabulous Prester John. Some of the marvels he describes seem to be taken with variations from Mandeville; but to leave no doubt of his having

³ Supposed by some to be the 'Italianated Courtier' of Greene's satire.

⁴ *Early Travels in Palestine*, ed. by Wright, Bohn's Library, p. 129.

⁵ Nizami's *Sikander Nama e Bara*, canto 61.

personally witnessed one at least of the wonders he relates, he tells us (p. 25) that there were 'three score and seventeen unicorns and elephants all alive at one time, and they were so tame that I played with them as one would play with lambs'. Here we are presented with fabulous animals in a fabulous park belonging to a fabulous ruler, and this after the author's protest in his 'Epistle to the Reader' that 'in this book there is nothing mentioned or expressed, but that which is of truth and what mine own eyes have perfectly seen'. He had good reason to anticipate that 'some foolish persons perhaps will cavil and say that these are but lies and fables'; but we must not suppose that the book 'containeth nothing else'. To do so would be to misconceive the method of the author. Like Mandeville before him and Defoe after him, he had 'the art of introducing such little details as give to fictions the appearance of personal recollections';⁶ for instance, the burning of Moscow and the presence of Dr. Allen at Rome. Webbe's remarks about Palestine and Egypt bear so close a resemblance to Mandeville's that it is unnecessary to dwell upon them; and his expedition to the Eastern seas is too nebulous to deserve notice. The whole might have been written anywhere by any one conversant with books of travel.

In his Dedication to Queen Elizabeth, Webbe recalls the humble thanks he returned to Heaven for saving his queen and country from the hands of the Spaniards—when 'to my great comfort, in the midst of my thralldom in Turkey, I did hear it most truly reported by a Christian Captive'. But presently he ignores the Christian captive and declares (p. 32) that it was on his homeward journey through Italy—'which was at such time as the Spaniards came to invade England, after I had been released from my imprisonment'—that he heard of the dispatch of the Armada. 'I said I trusted God would defend my Prince better than to deliver her into the hands of her enemies; wherefore they did greatly revile me.' To Venice Webbe took his way when ransomed from the Turks; and having reached Naples, after some adventures which will be presently mentioned, he embarked for England and arrived on 1 May 1589.

We now reach the culminating point of Webbe's career. In November 1589 he went to France, 'where I had good entertainment at the hands of the Renowned King . . . who received me into his pay and appointed me Chief Master Gunner in the field' (p. 34). An Englishman might have easily joined the force of 4,000 men which Lord Willoughby d'Eresby led into France to help Henry IV on 2 October of this year; and an incident related by Webbe (p. 35) suggests that he was acquainted with the

⁶ *Cambridge Hist. of English Literature*, ii. 82.

movements of this force, which for his own reasons he does not mention :

Shortly after my first arrival in France, I was hated by some lewde gunners who envying that I should have the Title to be Master Gunner in France, practised against me, and gave me poyson in drink that night ; which thing when the King understood, he gave order to the Governor of Deepe that his Phisition should presently see unto me.

Now Lord Willoughby's men disembarked at Dieppe, 'and after returning to Dieppe to meet them, Henry marched on Paris'.⁷ But as Elizabeth would not, and Henry could not feed, clothe, and pay these unhappy men, Lord Willoughby reported to the privy council that 'more men died of hunger and cold than in battle', and finally brought back the remnant of his force to England on 14 January 1590, exactly two months before the battle of Ivry.

The king left Dieppe early in October, and was busily engaged elsewhere with the enemy throughout the whole of November. He left Paris on November 3, and after various operations at Châteaudun and Vendôme, reached Tours on November 21, afterwards continuing his winter campaign 'avec une infatigable activité'.⁸ It was during this strenuous month, Webbe asks us to believe, that the king heard of the arrival of an itinerant English gunner at Dieppe, gave him 'good entertainment', appointed him chief master gunner, and ordered the governor's doctor to attend him when nearly poisoned. Strong corroboration would be required to support this extraordinary story, and we possess none whatever.

Ivry was one of the earliest battles in which the artillery played a notable part ; yet the chief master gunner, who devotes so much space to his sufferings, the rising of the Nile, and tournaments, and who can even find room for indecent sneers at the monks of the Church of the Holy Sepulchre, confines himself to two short remarks about the battle. The first of them is, I believe, untrue, and the second contains a blunder no master gunner could have made. He first says they were 'constrained to make bulwarks of the dead bodies' of men and horses, a proceeding ignored by the historians I have consulted. Such a bulwark would have been out of the question in so fierce and rapid a battle as Ivry. Even if possible, a bulwark high enough to stop the enemy would have completely silenced the guns, and one some two feet high, which the guns could have cleared, might have delayed, but would not have stopped the enemy. Secondly, he says : 'I gave three charges upon the enemy, and they instead thereof

⁷ *Cambridge Modern History*, iii., 48.

⁸ *Martin, Hist. de France*, x., 190.

gave us fifteen.' Palma Cayet⁹ and de Thou¹⁰ agree that Henry's guns fired nine (not three) shots before Mayenne's guns replied; and so far were the guns of the League from firing more rapidly than those of the royalists, that Sully (who was present) declares that Henry's guns fired four shots to one.¹¹ So much for what Webbe has said; but what he has left unsaid is quite as important in judging of the character of this book. By an impetuous charge soon after the battle began, the Walloons drove back the king's light horse, and wheeling round took his artillery in rear, overturned the guns, and succeeded in keeping possession of them for a short time.¹² Not a hint does Webbe give us of this; and the inevitable conclusion is, either that he did not consider this grave occurrence deserving of notice, or that he was not in the field and knew nothing about it.

The extraordinary statement that Henry IV appointed a wandering Englishman as chief master gunner over the heads of his own gunners, at a moment when he needed the support of every Frenchman so urgently, would require very strong corroboration, and I am not aware of any whatever. Appointments in the French Artillery were much sought after at this period,¹³ and no soldiers are more sensitive about supersession than the French. If, therefore, Webbe had been appointed chief master gunner, there would have been an outburst of protests to a certainty, some traces of which would have come down to us in contemporary documents. But the presence of an Englishman among the French gunners, so far as I can discover, was unknown to the French officers who served at Ivry, or wrote about the battle afterwards. The only allusion to Webbe in French that I have succeeded in finding is in the *Discours de la Bataille de Garennes (Ivry)*, by Charles, duc de Mayenne, reprinted in the *Bibliothèque des Bibliophiles*, 1875, with an excellent introduction by a modern editor, who appears to have been

⁹ '[Le Roi] envoya commandement au Sieur de la Guiche . . . de faire tirer: ce qu'il fit incontinent et avec grande promptitude, dont ceux de l'Union receurent beaucoup de dommage. Il avait fait tirer neuf canonnades avant que ses ennemis eussent commencé': *Chronologie Novenaire*, 1608, i. 330.

¹⁰ 'Rex . . . Guichio, ut tormentis rem gereret, imperat; quod opportune et tanta celeritate administratum est, ut novies displotio repetita sit, antequam tormenta hostilia ignem concepissent': *Historia sui Temporis*, 1620, v. 57. The nine discharges must mean 9 shots, not 9 rounds, i. e. 9 shots from each gun; for 9 rounds from the slow and feeble guns of the period would have occupied an hour. 'One may well make 10 shots an hour, if the peeces be well fortified and strong; but if they be but ordinary peeces, then 8 is enough': *The Gunner's Glasse*, by William Eldred, Master Gunner of Dover Castle, 1646, p. 165.

¹¹ Sully's *Memoirs*, i. 225. Henry had six, and Mayenne only four guns; therefore the statement quoted above is antecedently probable, whether Sully himself wrote the *Memoirs* or not.

¹² Lavisse, *Hist. de France*, vii. 314; Sismondi, *Hist. des Français*, xvi. 55.

¹³ Favé, *Hist. et Tactique des Trois Armes*, p. 59.

thoroughly acquainted with the literature of Ivry, manuscript as well as printed. In a note to this introduction, the editor says : 's'il faut croire un rare et singulier petit écrit qui nous inspire peu de confiance, le maître canonnier aurait été un Anglais nommé Edward Webbe.' The rare and odd little book was Arber's reprint of the *Travels*, from which the French first learned in 1869 of Webbe's existence.

In reading books of the early gunners—such as Bourne's *Art of Shooting in Great Ordnance* (1587), Smith's *Art of Gunnery* (black letter, 1600), Eldred's *Gunner's Glasse* (1646)—one quickly observes certain characteristics common to all of them. The most striking peculiarity is their inordinate use of the technical phrases of their art. It is very difficult, then, to believe that a gunner wrote these *Travels*, in which technical words are conspicuous by their absence. We look in vain for such words as *gun*, *piece*, *cartridge*, *sponge*, *ladel*, *wad*, *linstock*, *random*, &c. The author uses *charge* (once), *shooting* (once), *shot* (twice), and *gunner's art* ; but such words were as well known and as much used by civilians as by gunners. The word *gunnership*, which he uses once (p. 27), I have never met with in gunners' books, and I believe it was unknown in the artillery world. No master gunner could have refrained from drawing a comparison between the Turkish, Spanish, and French gunners with whom Webbe asserts he served ; no master gunner could have been present at, say, the fight of the *Henry* or the battle of Ivry without enlarging upon his guns, carriages, ammunition, and equipment.

The credit of the author of these *Travels*, whoever he may have been, is so much shaken by the contradictions, reservations, and downright untruths which have been pointed out, as to deprive the book of all historical value. Since he has presented his adventures in a way that renders verification impossible, there is no more reason to believe that he served under Don John at Tunis or met Dr. Allen at Rome than that he gambolled with unicorns in Central Asia or became chief master gunner of the French army. There is not a sentence in the book that might not have been written, with the help of Mandeville and similar books, by a man who spent his whole life in London.

The book proved to be a success ; the first edition, a reprint of this, and a second enlarged and corrected edition all appeared in 1590. Its success was due beyond doubt to the advantage taken by its author of the anti-Moslem and anti-Catholic feeling which was at fever heat during the period 1588-90. Islam he utterly rejected, though the Turks, he tells us, by all means would persuade me . . . to believe in their God, Mahomed : which if I had done I might have had wonderful preferment of the Turk, and lived in as great felicity as any Lord in that country : but I utterly

denied their request, though by them grievously beaten naked . . . and reviled in most detestable sort (p. 29).

The English Catholics he represents as having treated him with contempt. At Padua he was accused of heresy before the bishop by an English friar; and on the charge being disproved he was set at liberty, but 'constrained to give 15 crowns toward the finishing of Our Lady's shrine at Padua' (p. 30). Here we have a palpable allusion to the exactions of the Dominican monk, Johann Tetzl, in 1517, 'towards the finishing of' Saint Peter's shrine at Rome, which called forth Luther's famous 'Ninety-Five Theses', the prelude to the Reformation. Men of fifty years of age in Webbe's time could remember Peter's pence, which were only abolished in 1534. At Rome he was 'nineteen days in trouble with the Pope and the English Cardinal Doctor Allen, a notable Arch-papist', who on learning that he had been long a prisoner in Turkey, dismissed him with a gift of twenty-five crowns. He then fell into the clutches of the English College (at Rome, founded by Allen), and here he was despitefully used: 'I was put into the holy house 3 days, with a fool's coat on my back, half blew, half yellow, and a cockscomb with 3 bells on my head.' Unlike Aeneas with his *infandum renovare dolorem*, Webbe seems to revel in recounting his humiliations. Released by order of the pope—the busiest of popes, Sixtus V—he proceeded to Naples, although he knew it was in the hands of the Spaniards, and it is not surprising to learn that he was promptly arrested as a spy. The means taken by the Spaniards to induce him to confess were obviously intended by Webbe to suggest the methods of the Inquisition. One example will suffice: 'I was hoisted up backwards with my hands bound behind me, which strook all the joints of my arms out of joint' (p. 31). But carried away by the excitement of describing his sufferings, he quickly forgets this mishap; for he tells us that some time afterwards, by the written order of Philip II, he was enlisted as a gunner, on thirty-five crowns pay a month, disjointed arms and all.

The people of 1590 were so charmed by the courage and constancy of the devout master gunner under the sufferings inflicted on him by Moslems and Catholics, that they accepted without question a relation of exploits as fictitious as those of Captain Carleton.¹⁴

H. W. L. HIME.

¹⁴ See the article by Colonel the Hon. H. Parnell in this Review for January 1891.

Reviews of Books

East and West through Fifteen Centuries. By Brigadier-General G. F. YOUNG, C.B. I, II. (London: Longmans, 1916.)

THE attractive work of which the first instalment is before us is designed for the general reader, and from this point of view it deserves success. The writer is convinced that 'the great moving drama' of the world's history from 44 B. C. to A. D. 1453 may be made 'more interesting than any novel' if the leading characters are adequately portrayed, the sequence of events clearly marked, and the characteristic features of successive periods brought home by appropriate illustrations, especially of works of art. In all these respects, the labours of the author seem to have been well directed. He writes clearly and *con amore*, provides maps and admirable illustrations, and gives much useful information in notes and appendices. The book does not pretend to have been written straight from original sources, though some of the leading authorities are described in various places. There is a table of modern 'authorities consulted' which can hardly be called comprehensive and is sometimes surprising. Thus the edition of Gibbon cited is that of 1862—not Professor Bury's, though large borrowings have been made (with acknowledgement) from Bury's *Later Roman Empire*. Neither Diehl nor any recent French or German historian of the Byzantine Empire is in the list.

The chief faults of the book are of omission. The constitutional and economic sides of imperial affairs are very slightly treated; the author—following Hodgkin—is obliged to say something of the grinding down of the *curiales*, but he seems to regard the restriction on their admission to military service as the main defect. The decay of the municipalities ought to have been treated more seriously, since the author is fully appreciative of the greatness of the imperial cities (especially in North Africa) when they were at their best. But if finance is not interesting to him, war naturally is. He has strong encomiums for the retreat of Julian's army in 363-4, and lays down the principle that contemporaries are less safe in explaining military movements than are the results of these movements, —though certainly in this case the results do not seem to have been entirely satisfactory.

The least helpful part of the book is that which has to do with church affairs. Copious quotations from early writers are given, but without much discrimination. It is rather remarkable that, considering the large amount that has been written on later Pagan cults and mysteries and the give-and-take between them and Christian institutions, General Young does not think it necessary to refer to the subject. He takes the persecu-

tions as ten in number, and credits Marcus Aurelius with a deliberate effort at root-and-branch extermination. Marcus is not allowed the excuse of ignorance of Christian practices, as he 'must have read' the Apology of Aristides, and 'probably no other man who had not adopted Christianity had so thorough an acquaintance with its tenets'. Princes do not always read books dedicated to them, especially on subjects in which they take no interest. The remark may be compared with one concerning recent literature on Nestorius: that it need not affect our views as to his heresy, since the newly discovered writings of Nestorius, 'though they may be new to our age, were laid before the Third General Council, and therefore have no new light to give'. Again, as to the 'Galilæe vicisti' of Julian: whether the speech 'was or was not spoken by him, it is certain that in his mind he acknowledged the fact, and even if he did not say these words, the report that he did so must have originated in the general attitude of his mind as known to them about him'. These passages certainly show a disposition to make assertions on insufficient evidence, and the readiness to accept church tradition appears in the table of events which gives, as according to the chronology 'which appears to have the most general acceptance': A. D. 62, Gospel of St. Matthew, written by him in Egypt for the Jews, and A. D. 98, Gospel of St. John, written by him in Ephesus. There is one curious lapse in quotation in which he attributes to 'Constantine the Great—himself a man of vast ideas—' the amazement at the glories of the Roman Forum which Ammianus Marcellinus, in a well-known passage (accurately cited), refers to Constantius. In the latter part of the second volume (which goes down to the middle of the eighth century) General Young, who as a rule follows Mr. Bury, gives a spirited account of the invasions, though he says nothing of the Mohammedan movement on its inward (or Arabian) side. Early English history comes in during the later centuries.

On the whole, it is to be hoped that, in spite of limitations and inaccuracies, the book will find a public, since, though it will not help much towards the solution of historical problems, it may be taken as a frieze setting forth a great historic pageant. For this purpose, the series of imperial portraits is admirable. It is, however, to be noted that the portrait said to be of Julian is of more than doubtful authenticity. If the one in the Palais de Clugny is equally unsatisfactory, there is the bust of Acerenza, formerly said to be of a bishop of Juliana in Africa, but restored to the emperor by Gaetano Negri and reproduced in his 'Giuliano', and also in Mr. Stuart Jones's *Roman Empire*. ALICE GARDNER.

Lectures on the History of the Papal Chancery down to the time of Innocent III.

By REGINALD L. POOLE, Hon. Litt.D., sometime Birkbeck Lecturer in Ecclesiastical History at Trinity College. (Cambridge: University Press, 1915.)

THE subject with which this fascinating book deals is complex, highly technical, and in some points obscure. Changes were constantly occurring in the composition of the secretarial staff of the popes, in the style and script of the papal letters, in the way in which they were prepared, and in

the mode of their registration. These changes, no doubt, could be tabulated; and a table indicating the date at which each of them appeared would be of great service to investigators whose studies demand that they should date the documents and distinguish the genuine from the spurious. But a history of the Papal Chancery is more than a list of successive changes accompanied by dates. It must assign the changes to their causes. It must show how changes in one direction produced changes in another. It must find for each innovation in the personnel or method of the secretarial office its root in the history of the Papacy itself, or in the general history of Europe. And the basis of such a history is in the main an elaborate critical study of the thousands of papal letters of which either the originals or copies are preserved. Mr. Poole has brought to his task a thorough knowledge of this vast mass of material, of which he has made excellent use, and he has given us a book not only learned and, so far as the present writer can judge, minutely accurate, but eminently readable, well arranged, and of moderate compass. It is the first work of its kind in the English language, and will prove indispensable to all students of medieval history.

When the secretarial office of the pope first comes into clear view it is in the hands of the *Schola Notariorum*. They kept the records of synods. Such, for instance, was their function at the Lateran Council of 649; and no doubt it was for some such purpose that, two centuries earlier, Leo I sent his notary, Dulcinius, with the ecclesiastics who were to represent him in the proceedings against the heretic Eutyches. They also wrote the pope's official letters; while their chief, the *Primicerius*, had charge of the archives and the library, and was responsible for the conduct of the papal correspondence. Mr. Poole in his first lecture gives an account of the work of the *Schola* and of its principal officers, afterwards known as the *Iudices Palatini*; and though here and there one may question the validity of his interpretation of some parts of the fragmentary evidence, the picture which he draws may be accepted as substantially correct. The Papal *Scrinium* closely followed the Imperial model. It continued, apparently without material alteration, till the Pontificate of Hadrian I in the last quarter of the eighth century. But then a reform was brought about which had its origin in the strained relations which often subsisted between the popes and the great Roman families. The notaries usually belonged to the Roman nobility, and represented their ideals. To release himself from this influence Hadrian appointed as Librarian a person who was not a member of the College of Notaries. After a time it became the rule that the Librarian should be selected by the pope from the suburbicarian bishops. Eventually he became head of the *Scrinium*, and exercised the important function of dating documents, which had hitherto belonged to the *Iudices Palatini*. Thus these officials ceased to have any share in the work over which till then they had presided. An innovation of even greater consequence followed a century and a half later under Benedict IX. Disregarding the claim of the suburbicarian episcopate, that pope nominated Peter the Deacon to the post of Librarian, and gave him the additional title of chancellor of the Apostolic See. Moreover, it seems, he placed under him a new staff of scribes, who assumed the style of Notaries of the Lateran

palace. These titles suggest imperial influence. But the formation of the new staff was due to the necessities of the popes, who about this time began to be frequently absent from Rome, and therefore could not always have the services of a Roman bishop or of the old notaries who were attached to the regions of the city. It was essential that they should have a chancery which could accompany them from place to place. Benedict's successor, moreover, began the practice of employing non-Roman scribes. Thus the pope became freer than ever before of the *Schola Notariorum*. Henceforward for three-quarters of a century the history of the Chancery is a record of the contest between the new *Palatium* and the old *Scrinium*. The notaries of the *Scrinium* continued to take part in the preparation of the papal letters, but only when the pope happened to be in Rome. The victory in the struggle rested more and more with the palace scribes, and the Roman College of Notaries finally disappears under Pope Calixtus II (1119-1124).

The later history of the Chancery (so called, in strictness, for the first time, in the middle of the eleventh century), so far as Mr. Poole carries it, centres round the office of Vice-Chancellor. In 1144, about a century after the creation of his office, the Chancellor ceased to be Librarian. He was always a cardinal, and was frequently absent from his business in the Chancery. Since it was his duty to write the datum of every bull, or at least to insert his name in it, it was necessary that on such occasions a deputy should act for him. Thus came into being the Vice-Chancellor, who also at first was a cardinal. But in 1187 Urban III initiated the custom of nominating a Vice-Chancellor who did not belong to the sacred college. He was chosen not because of his rank, but because of proved skill in the work which he was called upon to direct. Naturally the Chancellor took a continually diminishing share in the affairs of the Chancery, and the Vice-Chancellor became more and more powerful. After 1216 no Chancellor was appointed, and for a century the Vice-Chancellor reigned supreme. But in the course of time he too came to be as a matter of course a cardinal. The reform of Urban III was thus abandoned, the Vice-Chancellor no longer occupied himself with the papal correspondence, and the administration of the Chancery passed to other hands.

This is a very bald summary of the history of the constitution of the Chancery, as told by Mr. Poole. But the interest of his book is largely due to the fact that he shows us how this history is reflected in the composition, and even in the external appearance, of the papal letters. It has been mentioned, for instance, that from the time of Hadrian I the duty of dating documents came more and more into the hands of the Librarian. In obviously close relation with this is a change made by the same pope in the form of the bulls. He introduced, for greater security and apparently under Frankish influence, a double system of dating. The *scriptum*, or first date, was written by the notary who engrossed the text, and contained his name, the month of writing, and the indiction. The final datum was added by one of the *Iudices Palatini*, or, later on, by the Librarian. But when subsequent popes employed non-Roman writers the *scriptum* began to be omitted, and the datum was not always reserved for the principal officer of the Chancery. The final disappearance of the *scriptum* under

Calixtus II marks the triumph of the Palatium over the Scrinium. But again, the non-Roman scribes had not been trained in the curial style of writing. They used instead a minuscule hand. Thus the victory of the Palatium produced the beautiful script, invented, we are told, by Urban II's scribe, Lanfranc, which is exemplified in bulls of the twelfth century. Once more, if Leo IX, the travelling pope, was the pontiff who did most, in the confusion of the eleventh century, to set himself free from the Roman tradition, he made also a more original and striking change in the form of the documents by inventing the Rota and Monogram—remarkable ornaments which distinguish solemn privileges from all other bulls. The former is an amplification of the cross which preceded the pope's farewell in the older letters; the latter is a compression of the farewell itself, *Bene valet*. Finally, the same pope, Urban II, who brought Lanfranc into the Chancery, appointed a remarkable man as his chancellor—John of Gaeta, a monk of Monte Cassino, afterwards Pope Gelasius II. During the thirty years of his tenure of office no important innovation in the constitution of the Chancery was made; but he remodelled the style of the letters. From Monte Cassino he introduced the system of rhythmical cadences, afterwards known as the *Cursus Curiae Romanae*, which imparts such dignity to papal bulls. Mr. Poole devotes a most lucid and interesting lecture to a discussion of its nature and origin.

Much that is of value in this volume has of necessity been passed over without notice. There is no room for more than a bare mention of the account of the earlier extant papal registers, of the evidence for the former existence of many now lost, and of the reasons for believing that many others—especially of the tenth and eleventh centuries—may have disappeared, though no trace of them remains. The seven appendices with which the book concludes contain a great amount of information compressed into less than forty pages. Mr. Poole has not failed to add an excellent index. On laying aside this book—to take it up again often in the future—an expression of regret may be permitted. Why does Mr. Poole bring us no further than the time of Innocent III? It is true that after the twelfth century the ground is less untrodden by English scholars. Nevertheless we should have been glad to have his guidance through the later period.

H. J. LAWLOR.

A History of France. By J. R. MORETON MACDONALD, M.A. Three volumes. (London: Methuen. 1915.)

MR. MACDONALD has attempted the story of nineteen centuries in three volumes of moderate length, and has essayed not only a chronological record of the principal events, but also some account of tendencies and institutions. French history is peculiarly complex, especially in the middle ages, and demands special knowledge of ecclesiastical and feudal institutions and much study of provincial history as well as of the better known development of the central Capetian power. To the ideal scholar the collections of Vaissette should be as familiar as those of Bouquet. It is fair to remember these difficulties in estimating a book such as Mr. Macdonald's, which is a careful and in many respects skilful summary that should prove

valuable to those who desire an English manual of French history. Dean Kitchin was more successful in avoiding the 'dryness of a summary', but Mr. Macdonald has had the advantage of the *Histoire* edited by M. Lavissee, of which he has generally made judicious use. The work accomplished by the great modern school of French historians has produced results which require incorporation in such a book as Mr. Macdonald has written. By far the best portion of his book deals with the period between 1789 and 1815, which is only just touched upon by Kitchin.

The art of a compiler is best seen in his omissions, but it should be a strict canon that if any allusion is made it should be at once accurate and not so brief as to be misleading. Mr. Macdonald accepts the 'seven bishops' from Gregory of Tours, but his allusion to St. Martin is an example of ill-grounded scepticism. He says that the saint's miracles 'attracted little attention till they were written up fifty years after his death by Sulpicius Severus': Sulpicius died in 410 and St. Martin either in 397 or 401, and the *Vita Martini* is without doubt a valuable historical document. St. Hilary of Poitiers is described as 'of Tours'. We notice that in the bibliography Canon Scott Holmes's work is described as the best guide to early Christian times, and there is no mention of Duchesne. Mr. Macdonald is unsatisfactory in his treatment of church affairs. He neglects almost entirely the influence of the monastic orders, the beginnings of Gallicanism in the trial of Arnulf of Rheims, and the power which the Capetians enjoyed outside their immediate domain through their nomination of bishops in certain provinces. The papacy is too often regarded simply as a power whose 'encroachments' were resisted by national kings. Leo IX's reforming council at Rheims in 1049, for example, receives this notice: when the pope held a council at Rheims Henry 'instituted a successful boycott of it; for he was backed by the whole Episcopate in his resistance to the See of Rome'. The 'boycott' was far from complete, and the real importance of the council was in the papal effort to reform the vices of the higher clergy. It is doubtful if the 'Pragmatic Sanction of Louis IX' is any better understood by being described as 'a kind of French Constitutions of Clarendon', and the authentic memorials of the laity and clergy to Innocent IV would have afforded more illuminating material for a summary. The Pragmatic of Charles VII is more fully described, but here again one of the most important provisions is left untouched—the theoretical restoration of canonical elections qualified by the authorized intervention of the king and princes of the kingdom. In dealing with the Huguenots, Mr. Macdonald seems to treat the party too exclusively as one of political aristocrats. We know that many of the first protestant victims were from among the 'little people', and that the third estate in the States-General of Orleans, 1560, in whose election the peasants are known to have taken part, was favourable to reform and toleration. Mr. Macdonald follows a casual observation of M. Hanotaux in depreciation of this assembly, but M. Picot agrees with Thierry's eulogy of the broad views taken by the third estate. To say that 'the settlement of 1598 was political and recorded the utter failure of Huguenotism as a religious movement', is to ignore the sincerity of the many thousands who endured exile and persecution under Louis XIV on purely religious grounds.

In writing of feudalism Mr. Macdonald does not distinguish clearly between public and private law, and consequently commits himself to statements as to the destruction of feudalism in the middle ages which must surprise those who regard the persistence of feudal privilege and exemption as a principal cause of the Revolution in 1789. Thus he says that the greater abuses of feudalism perished during the reign of Louis VI, that the reign of Philip le Bel marked the final stage in the transformation of France from a feudal to a monarchical kingdom, and that just before the Hundred Years' war the 'last traces of feudal independence' were obstinate. It is true that the king increased his power over his vassals and that the system of government was centralized in important respects during the middle ages, but it is also true that so far as the laws and customs which rule men's daily lives are concerned feudalism was a very real fact till August 4, 1789. *L'histoire est toujours plus complexe que ne le supposent nos esprits simplistes*, said M. Viollet when writing on one branch of this topic.

In dealing with the early States-General and the movement of 1314 to 1320 Mr. Macdonald adopts the depreciatory views of M. Langlois, but he should have given his readers some inkling that scholars like Luchaire and Viollet by no means shared those views. The charter of Normandy of 1315, for example, was one important result of the leagues, and, while it is true that assemblies similar to that of 1302 had been held before, the formality with which the representation of the towns was arranged marks its genuine constitutional importance. The reference to the *Grande Ordonnance* of 1303 (i. 197) is misleading—it appears from the context to be merely a charter to a town or district; and to say that 'the principle of consent to taxation was not so much as dreamt of' is to ignore the contractual basis of feudalism. Mr. Macdonald has some suggestive observations (i. 201 and 314) on the reasons why France did not, like England, develop a constitutional government. When dealing with the crisis that followed Poitiers he might have shown how near France came to acquiring a monarchy limited by a really powerful representative assembly.

In the first volume the following points may be noted for correction in a new edition. On p. 54, in the bibliography, the phrase 'from 604 to 727 the only authority is a chronicle called *Gesta Francorum* in *Recueil des histoires des Crusades*' is somewhat puzzling till one realizes that the *Gesta Francorum* of the eleventh century has been confused with the *Gesta regum Francorum* of the seventh. On p. 61 it should be made clear that the brother and nephew of Charles Martel inspired only the continuation of Fredegarius. On p. 79 the description of the Polyptyque of Irminon as 'chartularies' of St. Germain is not exact. Is it accurate to say, p. 92, that William Longsword transferred his allegiance to Duke Hugh? It was Robert the Pious and not Henry I who conquered the duchy of Burgundy, and the date on p. 98 should be 1363, not 1383. On p. 110 M. Le Prévost's edition of Orderic, of which there is an English translation, should be mentioned, not merely the text in Migne. In the bibliographies at the end of each chapter there are naturally many omissions, but in a book of this character the works of M. Jullian on Roman Gaul and of M. Delachenal on Charles V should be mentioned, particularly as the latter work would enable

Mr. Macdonald to make his account of the treaty of Calais more complete. On p. 239 John of Gaunt is confused with Henry of Lancaster; the same mistake occurs in Lavissee, iv. i. 94.

Mr. Macdonald is more at his ease in modern times, and where he has himself read some of the contemporary authorities he produces a clear and animated narrative. It is unnecessary to deal in detail with his account of the more familiar period of French history, but some points in his account of France in the nineteenth century are worthy of note. Here at times he follows very closely the *Cambridge Modern History*, and it would perhaps have been wiser to have made more direct reference to his obligations, particularly to the chapters written by M. Émile Bourgeois. The question of religious education, which so acutely divided modern France, is inadequately treated. Villèle's policy in 1824 is wrongly described (iii. 269), Guizot's important act of 1833 receives a bare mention, and the reference to Falloux's act of 1850 (iii. 315) is so summary that an inaccurate impression is conveyed. The electoral law of 1817 is said (iii. 257) to have remained law for thirty years, but it was radically altered in 1820 (iii. 263). Mr. Macdonald is hardly fair to the foreign policy of Louis Philippe, on the pusillanimity of which he constantly harps. Europe was many times indebted to the French king for the maintenance of peace, and European peace was at that time of vital interest to France. 'The desertion of oppressed peoples was complete,' says Mr. Macdonald, but he forgets the invaluable service to Belgium, and he does not mention the occupation of Ancona, which was a direct challenge to Austrian policy in Italy. There is a well-written contrast between Guizot and Thiers. In dealing with the Second Empire Mr. Macdonald does not show clearly enough how Napoleon's power was maintained by three great instruments, the army, prefects, and police, and he should certainly have given some indication of the way in which the *plébiscites* were prepared and manipulated. His book ends with a short but clear account of the war of 1870. WALFORD D. GREEN.

Gothic Architecture in France, England, and Italy. By SIR THOMAS GRAHAM JACKSON, Bt., D.C.L. 2 vols. (Cambridge: University Press, 1915.)

SIR THOMAS GRAHAM JACKSON has followed his two volumes on Byzantine and Romanesque architecture by the present book. The work is throughout not only scholarly but controlled by a robust common sense, and the author appears everywhere an easy master of his theme. He makes no effort after the completeness of Mr. Francis Bond's well-known book, but is content to select for treatment such examples as are, in his own words, 'typical of the history and development of the art'. We miss, too, in his pages that note of passion, that intensely individual judgement which animated Professor Prior's book on English Gothic with a touch of genius, for Sir Thomas Jackson is always sober and self-controlled, and his balanced verdict on the aesthetic quality of Giotto's Campanile is a good specimen of his treatment of controversial questions. The illustrations are numerous and well chosen, and photography is not too often called on to supply them. Many are from the author's own drawings in line and water-colour, and several of the latter are pleasingly reproduced in colour. Other

pencils have also been laid under contribution, and a drawing of the north transept portal at Chartres by M. Adams, which first appeared in the *Building News*, strikes us as particularly happy.

The subject of Gothic architecture is a larger one than that of Romanesque even with the inclusion of Byzantine, for there is much more to say about a great Gothic building than about one of similar rank in the earlier medieval styles. Hence, though the Gothic of only three countries is handled in the book, it is inevitable that on its moderate scale it should pass very lightly over many themes of interest. The two volumes indeed might well have been devoted to France and England alone, and Italian Gothic, which has little in common with that of these two countries, might in conjunction with the Gothic of some other regions have furnished matter for a separate work. One subject of fundamental importance is passed over with tantalizing brevity. This is the subject of the social and intellectual movements of the age which saw the birth of Gothic. On these Sir Thomas Jackson touches in his chapter iv on the Transitional Period in Early French Gothic, and again in the Conclusion to the whole work, but there is much more in the subject than he has set himself to bring out. Gothic is commonly associated with the thirteenth century, but the generating century of Gothic art was not the thirteenth but the twelfth, to which belong all the inspiring ideas that found an artistic outcome in the cathedrals of central France.

Politically the century was marked by the rise to power of the French monarchy, a monarchy of modern type represented centrally by Philip Augustus. Under it the towns, seats of the communes so dreaded by the established powers, became the centres of secular activity in learning and in the arts. The twelfth century was the epoch of the founding of Universities, of which Paris was the chief. Paris became a world city, and a writer of the time of Philip Augustus makes the boast that she was attracting to herself more learners than had ever Athens or Alexandria. The fresh enthusiasm for learning which the career of Abelard brings into startling prominence crystallized into scholasticism; and scholasticism, not impugning authority, but working out accepted principles into all their logical ramifications, was of incalculable service in training the reasoning powers. Art as well as learning was in the twelfth century secularized. No longer were the monasteries the centres of its practice, but this passed into the hands of the craftsmen of the newly constituted guilds whose home was in the now flourishing towns. The nominal director of the whole work was the bishop, the chief of the secular clergy and the incumbent of the town church, while there is direct evidence that the population in general, including all social grades, lent practical help in the rebuilding, often on a colossal scale, of the civic shrine. The religion that inspired the movement was independent of the monastic system and was no longer necessarily cloistered and bound by rule. If Philip Augustus was a man of this world, Louis IX, who almost immediately succeeded him, though a thoroughly efficient ruler, was a saint of the most attractive type, quite unfettered by ascetic vows. In his person the truth of the sacredness of the secular calling was made apparent, and men could now live and work in the world while consecrating their activities to a

religious end. The warrior took up his arms in the sacred warfare of the crusades, another characteristic movement in which the new life of the twelfth century found its outcome, but those who could not fight for the Cross found ready to their hands at home a religious task that made for their soul's welfare. This task was the rebuilding of the cathedrals, and some interesting contemporary records of the zeal with which gentle and simple alike threw themselves into the work are quoted in the concluding chapter of the book. It is true that, as the author points out, the popular enthusiasm after a time died down, yet its effect on the first or formative period of Gothic art in the middle of the twelfth century was incalculably great.

Nor was this outburst one of mere unreasoning frenzy compatible with semi-barbarous culture, for the epoch was one of advancing refinement alike in the domain of feeling and of manners. It was the age of chivalry, of devotion to the feminine ideal, of the beginnings of a vernacular poetry dealing largely with the theme of love. Every one of these features of the polity and culture of the twelfth century in France finds its expression in Gothic art. The great cathedrals in which the artistic ideals of the time became incorporate were all in the *Domaine Royal*, the part of France immediately under the kingly authority, and the royal personality figures largely alike in their history and their sculptured decoration. The logic of the schoolmen of the University of Paris materialized in the scientific construction which Viollet-le-Duc took such pains to elucidate, so that the severer French Gothic, such as that of Amiens, has been called 'scholastic in stone'. The popular enthusiasm first noticed accounts largely for the exuberant richness of the decorative details, which at the same time, for the first hundred years at any rate, did not overstep the limits of a refined taste. The surfaces behind the upright portal figures at Chartres are diapered with marvellous imagery. The upper stages of the building at Rheims are (or were) tenanted by a whole population of sculptured forms of angels, saints, and monarchs, the existence of which the ordinary visitor never suspects, and which even Sir Thomas Jackson does not notice. The expression of these figures, graceful without sentimentality, animated but self-contained, fresh and natural but saved from any common realism, refined and tender but charmingly unaffected, is just the expression of the French social feeling of the times. All this is of the first importance, not only for the interest of the human and the artistic phenomena in themselves, but for the establishment of Gothic as an essentially French creation. Gothic art is, of course, one of the great glories of the middle ages and of Western Christendom in general, but it is a special glory of France, and that wonderful country, on which the eyes of the world are now fixed in admiration, never did anything greater than the artistic work which in a sense began in the middle of the twelfth century with the southern tower and spire of the façade of Chartres, and ended with its sixteenth-century northern steeple.

On the constructive side of Gothic Sir Thomas Jackson naturally repudiates the extreme view, with which English architectural readers will connect the name of Professor C. H. Moore, according to which no building can be termed Gothic that is not 'scholastic in stone', in the sense that it

follows out with inexorable logic the principle of the balance of pressures in the system of vaulting. It has just been seen that Gothic art was the outcome of somewhat complex social and intellectual conditions, and there was much in it over and above the special quality of logical consistency. At the same time questions of construction are of special importance in French Gothic, and they are discussed in chapter ii of the book, entitled 'The Gothic Vault'. The treatment here might have been carried further with advantage, for the all-important subject of the introduction of the rib under the groin, and the substitution of a semicircle for the original half ellipse of the diagonal of a square bay, would have been worthy a more extended discussion. The admirable later chapter on the Gothic window compares favourably with this, and contains a most clear and interesting analysis of the pre-history, the origin, and the development of tracery. Possibly to an English writer window tracery, in which our medieval designers take the lead, is more attractive than the construction of the vault, which is rather a speciality of the French.

It would have been beyond the scope of the work to enter into the recent discussions on the relative contributions to the formation of the Gothic style of the Île-de-France, Picardy, and Normandy, in which Messrs. de Lasteyrie, Lefèvre-Pontalis, Camille Enlart, and John Bilson have borne their parts; and the author has begun with St. Denis and Noyon, and has followed the development of the style to its culmination at Beauvais, to the indescribable charm of which we are glad to see that he pays a generous tribute. The later developments of the art receive, of course, a suitable treatment. Most readers will agree in preferring Rheims, with its poetry and its decorative detail profuse without redundancy, to the colder and austerer grace of Amiens, but it may cause some surprise to find the west front of Notre-Dame at Paris spoken of as 'perhaps on the whole the most satisfactory of the great French façades'. It is certainly very noble and consistent in its severity, but it is archaic, in that the horizontals on the whole predominate over the vertical lines on which so much of the special character of Gothic depends.

In dealing with English Gothic architecture Sir Thomas Jackson has no difficulty in demonstrating its independence, in all but ultimate origin, of that of France, and a long list might be drawn up of characteristics and features, from the main mass and proportions of a building down to small ornaments, in which English work differs markedly from French. He pays, however, an unconscious compliment to France in that he singles out for a special tribute of admiration, in two chapters all to itself, the only one of our greater churches that is distinctively French in style—Westminster Abbey. To the many great artistic qualities of English Gothic, as would be expected, he does ample justice, and his eyes are fully open also to the varied incidental charms of Italian work, though this cannot be said to correspond strictly to the Gothic programme that can be formulated from French and English practice. In one point he seems hardly to do complete justice to the English mason. He is somewhat unorthodox in his apparent preference for naturalistic foliage carving over that of a more conventional type. Here, it seems to us, is an important point of superiority in Early English work over contemporary carving in France. French

capitals and other surfaces are generally enriched either with 'crotchets' that are stiff, monotonous, and uninteresting, or else with realistically treated sprays of leafage. These are often in themselves charming, and they are evidence of a fresh outlook on nature characteristic of an age of awakening and enlightenment. As architectural enrichment, however, *pace* Mr. Ruskin, they are not nearly so good in point of style as the more conventionally treated Early English foliage, seen in its perfection at Llandaff. This is not dry and unvarying like the French crockets, but has preserved a good deal of the elasticity and spring of natural growth, while the grouping of the leaves and their shapes have been formalized into a scheme that accords with the severe forms and the repetitions of the architecture. Later on, in the Decorated period, English foliage at times, as in the Chapter House at Southwell, becomes highly naturalistic, but it is doubtful if this represents an artistic advance. It is curious, too, that while the author expresses warm admiration for the Rheims sculpture, and especially for the well-known Mary of the Visitation, he also praises the very different figure of the Virgin at the southern transept door at Amiens, for this is a statue that exhibits the affected simper and the sentimentality into which later French Gothic sculpture too surely degenerates.

G. BALDWIN BROWN.

The Tale of the Armament of Igor, A.D. 1185; a Russian Historical Epic.

Edited and translated by LEONARD A. MAGNUS. (London: Milford, 1915.)

The Lay of the Raid of Igor is after the *Chronicles* the most interesting production of pre-Mongol Russia, not merely to students of literature or language, but to historians. In the Chronicle we have a fairly full account of a raid against the 'Polovsk' tribes as reported by a prosy and pious 'ecclesiast' (we repeat the editor's terms); here we have the same 'eternized' and 'poetized' by an 'epist' who has not yet quite broken with the old heathen powers. He is the only literary example of the *dvoe-vérie*, the double faith against which the Russian church waged ruthless war, seeking to stamp out pagan traditions and customs. The lay is as difficult as a corrupt ode of Pindar and requires the same sort of elucidation: the only manuscript, probably of the sixteenth century, was carelessly written and, of course, 'unpunctuated, unparagraphed and with the words unintervalled': discovered in 1795, it perished in the burning of Moscow, and we are dependent upon an amateurish *editio princeps* and one transcript; the metre is so irregular that till recently the lay was regarded as in rhythmical prose; the language is an inconsistent mixture of Old Slavonic and Russian; the mythological references are most obscure, and to understand the historical persons mentioned it is necessary to know the ramifications of the house of Rurik and the bewildering fiefs into which Russia had split in the twelfth century. The full bibliography witnesses to the amount of work which has gone towards clearing up these difficulties.

Mr. Magnus sets out to help us in all these departments: his *apparatus criticus* is full, and of his many ingenious emendations a fair proportion will probably stand; he prints the text as poetry and gives us an excursus

(mostly due to Korsch) upon the metre and upon such points in Old Russian phonetics as make it more easy to grasp, in particular he points out the cases in which the accent has changed its place and marks them in the text; still, with all this, the run of the verse is more difficult to catch than that of 'the loose and inchoate profuseness of the [modern] Ballads with their rather splashy and irregular metre'. In language it is most interesting to notice many words borrowed from the Cuman, precursors of the numerous loans due to the Tartar conquerors. The element of Slavonic mythology is perhaps the most troublesome of all: upon the few names that occur in this poem scholars have erected a towering structure of hypothesis buttressed with matter brought from far afield and serving as a support for further erections: Mr. Magnus contributes his share and does not doubt whether there be sufficient 'factual' basis for such combinations.

When he keeps to Russian history Mr. Magnus is very good: he provides us with an illuminating survey down to the time of the raid, full genealogical trees of the various branches of the house of Rurik, accounts of each of the persons mentioned in the lay, and a translation of the parallel passage in the 'Ipatievski' Chronicle for 1185. When he strays into unfamiliar fields he is less happy: his treatment of Strabo vii. 4. 2 s.v. *neznaemê* (a most suitable *lemma*) on p. 77 offers a fine variety of error (spelling and accentuation are the author's); he speaks of

Kórsuñ or Kherson, i.e. the Chersonnese, now the Crimea]. . . Strabo is useful in this connection. 'Εκπλέοντι δ' ἐν ἀριστερᾷ πολίχνη καὶ ἄλλος λιμὴν Χερβρονσιτῶν. ἔκκειτα γὰρ ἐπὶ τὴν μεσημβρίαν ἄκρα μεγάλη κατὰ τὸν παράπλου . . . ἐφ' ἣ ἴδρυται πόλις Ἡρακλειτῶν [? connected with *Rakhman*. mythical elements in the *byliny*] ἀποικος τῶν ἐν Πόντῳ: Ἐν ἣ τὸ τῆς Παρθένου ἱερὸν δαίμονός τις. [i.e. *dévilsa*, *divitsa*. Herodotus IV. 9 dealing with the Snake-maiden may have intended something co-related]. Μεταξὺ δὲ τῆς πόλεως καὶ τῆς ἄκρας λιμένες τρεῖς . . . καὶ μετ' αὐτὴν λιμὴν στενόστομος καθ' ὃν μάλισθ' οἱ Ταύροι [? origin of *Tur* in *Buy-tur*.] σκυδικὸν ἔθνος [? c.f. the river *Tor*, Chron. 1185] τὸ ληστήριον συνίσταντο.

Tmutarakáñ is called ὁ Ταμυρακοῦ Κόλπος by Strabo, coupled with ὁ Καρκινίτου i.e. the gulf of Perekóp or Kerkinit.

The passage in Strabo (no reference is given) is difficult, but there is no excuse for the wrong accent Kórsuñ (Gr. *Χερσῶν*), for confusing the city of Chersonesus with the whole Crimea, or for supposing that the Heracleotes, i.e. the colonists from Heraclea Pontica, had anything to do with the word *Rakhman* in the modern Russian ballads, or that their Maiden had 'co-relations' with the Slavonic *Div* (masc.) or her people the Tauri with the heroic epithet *Buy-Tur*, or with a river in central Russia from which they were separated in those days by a broad belt of Iranian population. So, too, ὁ Ταμυράκης κόλπος, which Strabo identifies with ὁ Καρκινίτης κόλπος (vii. 3. 19, and § 18 is to be corrected accordingly), cannot be Tmutarakáñ, now Tamaú, and almost certainly Strabo's Corocoandame, four degrees further east.

The translation of the lay is by no means always an improvement upon Wiener's version, as it suffers from a strange taste in English, 'diction' (*slovesy*), 'saddle-bows' (*lutsi*), 'commands a hearing', 'crevasses' (*yarugi*), 'brute-beasts' (*zvéri*), 'Children of Baal' (*busovi*), and such-like; and the notes, &c., have enriched our language with many surprising words, some of which we have ventured to borrow in this notice.

The book is curiously inconvenient to use, as the notes are in alphabetical order instead of following on as the words come in the poem: this may save an index and cross-references, but the reader has continually to turn the pages to and fro, and it is by no means clear under what catchword he will find the help he wants. In the critical notes, if the same variant occurs at different places it is printed at one only and is merely referred to at the others, e. g. the reader has to turn back from l. 732 to l. 176 to find that Π reads *strélami*, not *strelami*. Finally it is scarcely credible that a book so full of misprints, Russian, Greek, and English, can profess to be issued by the Oxford Press. In the text it is hard to detect them, but elsewhere they abound.

E. H. MINNS.

Marco Sanudo, Conqueror of the Archipelago. By J. K. FOTHERINGHAM, assisted by L. F. RUSHBROOK WILLIAMS. (Oxford: Clarendon Press, 1915.)

THE author of this admirable monograph says, in the preface, that his work professes to be not history but historical research. We venture to think it is both. This painstaking and accurate study of the Candiani-Sanudo family gives us the best account we have in English of that obscure problem, the partition of the Eastern Empire after the Fourth Crusade, and the exact nature of the Venetian conquest and domination of the archipelago. The history of the Candiani-Sanudo family may fairly be said to embrace the history of Venice during the tenth century. An illustrious race,—furnishing doges to the state during long periods of internal difficulties, and captains of her earliest efforts to expand beyond the borders of the lagoon, ‘the product of an aristocratic republic’,—the Sanudo family found itself in the forefront of affairs, closely related to the great Doge, Dandolo, when Venice approached that crisis of its destiny, the Fourth Crusade. The author comments on the difficulty in the reconstruction of early Venetian history owing to the lack of contemporary documents and the necessity of relying on later authorities, chronicles whose archetype no longer exists. He presents us with a clear and convincing account of those obscure events, the treaty of Adrianople and the purchase of Crete, which entailed a clash between Genoa and Venice; the treaty of partition, and the share of the emperor, the crusaders, and the Venetians in the spoils of the Fourth Crusade; the creation of the Venetian podestate in Constantinople and its relations to the mother-city; the difficulties which surround the apocryphal *Voto della Provvidenza* of the Venetian chroniclers; the act of Zeno, the podestà, which forbade Venetians to part with any acquisitions except to Venetians; and the decree of Ziani, the doge, which virtually divided the Venetian share of the Eastern Empire into two categories—the first, the part to be conquered and governed by the mother state; the second, the part to be secured and ruled by the podestà in Constantinople—these two instruments, the act and the decree, working together to form the basis of Venetian domination in the archipelago. Then follows the conquest of the archipelago by Marco Sanudo; a private enterprise, undertaken on the plea of suppressing piracy and restoring order and good government to the islands; the enfeoffment of Sanudo as

duke of the archipelago by the Emperor Henry, in spite of the fact that the islands belonged to the crusaders by the treaty of partition—a clear proof that the Venetians were an active, present force, the crusaders a vague and shadowy abstract. The conquest of the archipelago by Marco Sanudo laid the foundation of Venetian claims to be, in later years, ‘the bulwark of the west’. Sanudo’s settlement of Naxos as the capital of his fief, his castles, his harbour, his town, his wise and temperate rule which endeared him to his subjects, his efforts to help Venice in her attempts on Crete, bring to a close this thoroughly satisfactory and scholarly study of a difficult period in Venetian history.

HORATIO F. BROWN.

York Memorandum Book. Part II, 1388–1493. Edited by MAUD SELLERS. (Surtees Society, vol. cxxv. Durham: Andrews, 1915.)

In this volume Miss Sellers completes her edition of the valuable York record. The contents are of the varied character which might be expected, and much space is occupied with grants, inquisitions, writs, and formal documents which the editor has wisely been content to give in summary. The more solid contents include much that is of great interest, though nearly all relates to civic matters. References to political events are few. A proclamation by the duke of Exeter in 1419 calling on all to whom he owed money for ‘vitayle, murchandise or other thyngs’ to make their claims to his receiver, may be an echo of the Foul Raid two years before. There are occasional references to trouble on the East March of Scotland, and a letter of privy seal issued at Coventry in March 1457, against unlawful conventicles, has its bearing on the political troubles of the time. When Edward IV visited Yorkshire in September 1478, it is recorded that the mayor and chief citizens waited on him at Pontefract. But of more stirring events during the Wars of the Roses there is no mention. The volume contains only what its compilers thought to be of interest to themselves as citizens of York. It is to its character as an authentic record of the life of the whole community that the *Memorandum Book* owes its value.

No aspect of the city’s life is omitted. We see the people at work, at play, in health, in sickness, in war, in peace, at home, abroad, at church, and in the tavern. No circumstance is too trivial, none too momentous for the civic chronicler.

One of the most valuable of the contributions for civic constitutional history is a custumal describing the procedure of the mayor’s court, which had to deal with all pleas concerning apprentices and mysteries, offences against the ordinances of the city, breaches of the king’s peace, questions of debt, and the enrolment of wills relating to lands and houses. Though this custumal is undated, internal evidence shows that its original must have been compiled before 1396, since it contains a reference to the three bailiffs, who were abolished in that year. Miss Sellers notes that many of its provisions were certainly in use in 1372 and probably earlier.

From an examination of the record of a city assembly in September 1419, Miss Sellers argues that the government had fallen completely into the hands of the cloth trade. Out of thirty officials present on that occasion ten were mercers, five mercators, three drapers, one a dyer,

and one a cloth-dresser. But the numerous ordinances for mysteries show that the woollen industry was far from covering the whole of the civic life of the time. It may be, as Miss Sellers suggests, that the frequent appearance of glaziers, carpenters, tilers, and plasterers in trade disputes was due to the architectural activity at York during the fifteenth century. For the mercers there are no ordinances in the *Memorandum Book*, an omission which may be explained by the fact that the mystery was supreme in the council and had no need to seek further confirmation of its own ordinances. The royal charter to the mercers of 12 July 1430 is, however, given in full. The stress which it lays on the misery and want into which many of the mystery had fallen (a statement contrary to the facts) is a warning against putting too literal an interpretation on the formalities of medieval documents. Another subject which receives much illustration is foreign trade. Thomas Gra, who had been mayor of York in 1373-4, was one of the ambassadors sent to Marienberg in 1388 to negotiate a settlement of commercial disputes with the master of the Teutonic knights in Prussia. The resulting treaty was abortive, but not unnaturally has found its way into the *Memorandum Book*. York had three times as many merchants trading to Dantzic as London, so that the choice of Gra as a representative was well justified. For the Baltic trade during the fifteenth century, and the trade with the Netherlands, there are numbers of other documents, which Miss Sellers has well illustrated from other sources in her introduction.

But the subject which is most prominent throughout is the history of the Corpus Christi plays. Robert Davies included an account of the Corpus Christi festival in his *York Records*, with several extracts from the *Memorandum Book*; other extracts had been given previously in Drake's *Eboracum*. The material thus made available was used by Miss Toulmin Smith in her *York Mystery Plays*, but it is important to have the extremely interesting and full account of the pageant available in its authentic form. The earliest allusion occurs under the date 1376 in the first volume, but the festival had clearly been established long before. In the second volume an ordinance made in 1417 recites a previous ordinance of 1398-9, in which the appointed places for the twelve pageants were set forth. An earlier entry for 1387 relates to a complaint by the representatives of the skinners, bakers, and dyers that Robert de Waghen had failed in his contract to keep the house in Toft Green, where the pageants were lodged, in good repair. This Miss Sellers describes as giving the key-note to all the other entries. The ordinance of 1417 was specially directed to check the conversion of the plays into a source of private profit, by requiring a third of the proceeds received for the stands to be paid to the city treasurers. There was another side to the question, and complaints appear of the burdens which the pageants imposed upon the crafts. In 1431 the goldsmiths complained that the expense entailed by the two pageants for which they were responsible was intolerable, and asked to be relieved of one. At the same time the masons complained that their pageant of Fergus was not in Holy Scripture and caused more laughter and noise than devotion. So they were appeased by having the more scriptural pageant of Herod transferred to them from the gold-

smiths. Other entries illustrate the separation of the plays from the religious procession, and the history of the Corpus Christi gild. Amongst entries on other matters may be mentioned an important valuation of the York churches in 1428, and several documents relating to the Dominican friars. Miss Sellers closes with a glossary and two full indexes. On p. 63 the date '1389-9' is an obvious but misleading misprint for '1398-9'.

C. L. KINGSFORD.

Calendar of the Gormanston Register. Prepared and edited by JAMES MILLS, late Deputy-Keeper of the Public Records, Ireland, and M. J. McENERY, Deputy-Keeper. (Dublin: printed for the Royal Society of Antiquaries of Ireland, 1916.)

STUDENTS of the Anglo-Norman period in Ireland will welcome the appearance of this calendar under the able editorship of the late and the present deputy-keeper. It supplies a long-felt want. Besides describing the manuscript and classifying its contents, the editors give a short, but adequate, account of the Preston family down to the time of Sir Christopher de Preston, for whom the Register was compiled, for the most part, in the years 1397-8. Sprung from a prosperous family of merchants in Preston in Lancashire, some of whom, early in the fourteenth century, settled in Ireland and acquired lands there, Roger of Preston, Sir Christopher's grandfather, was appointed in 1326 second justice of the justiciar's court. His son Robert married Margaret, daughter and eventual heiress of Sir Walter de Bermingham, lord of Castlecarbury in co. Kildare and of Kells in Ossory. In 1358 he was appointed Chief Justice of the Bench and afterwards Keeper of the Great Seal. He purchased the manor of Gormanston and much landed property besides, and died in 1396. His son Christopher was already married to Elizabeth, daughter and co-heiress of Sir William de Londres, and by this marriage had acquired the greater part of the lands which had belonged to the barons of Naas. Thus, after succeeding to his father, Christopher de Preston was owner of many lands in the counties of Meath, Dublin, Kildare, and Kilkenny. The deeds and documents relating to the title to these lands are duly entered in the Register. They involve a great number of names of places and persons, and these will be of interest to the genealogist and the topographer.

The editors have given full and careful abstracts of these documents, as well as complete transcripts of some of the more important ones, so that henceforth it can seldom be necessary to refer to the manuscript. They have, perhaps wisely, to avoid delay in publication, refrained from annotating the documents, but the volume is furnished with an excellent index in which many of the place-names are identified, and these identifications are nearly always sound and helpful. Only occasionally have we noted a bad guess, as where, in a grant to Walter de Lacy of land forfeited by Gilbert de Angulo, and described as being *ultra lacus de Therebrun, scilicet, Drumchef*, the editors have replaced the manuscript reading 'Drumchef' by 'Drimclief' (p. 179) and suggested in the index Drumcliff, co. Sligo. But there is no reason to suppose that either Gilbert de Angulo or Walter de Lacy ever held or claimed land in Sligo. The 'lakes of Therebrun' (not identified

by the editors) are now known as Lough Oughter with its numerous arms in *Tir Briuin* (co. Cavan), and the land beyond was in fact held or claimed by Walter de Lacy, who in 1221 granted it to Philip de Angulo. Also *Sulam Andh'*, where John, lord of Ireland, dated a charter on 4 December 1198, is not Angers (p. 143), but should read *insulam Andh[eliaci]*, i. e. L'île d'Andely. Unfortunately the clerks employed by Sir Christopher were indifferent Latinists and were often unable to read correctly the documents before them. They obviously blundered in some of the names of the witnesses, but they were also careless copyists, and the reader must be on his guard against more obscure errors. Thus 'Maurice son of Gerold lord of Lega, junior' in 1227 (p. 146, transcribed p. 194) arouses suspicion. The suspicion is justified and an explanation afforded by a comparison with an almost contemporary deed witnessed by 'Maurice son of Gerald, Hugh de Leg' senior, Hugh de Leg' junior,' &c. (p. 164). Several names are the same in the two deeds. It is clear that in the former deed *Hugone de Lega iuniore* has been misread by the copyist *domino de Lega iuniore*.

To the historian the most important documents in the Register are those which relate to Hugh de Lacy, earl of Ulster, to the Geraldine barons of Naas, and to their De Londres successors in title. These families were all connected with each other and with the Prestons through the marriages (1) of Matilda, daughter of Hugh de Lacy, with David, baron of Naas, (2) of Matilda's granddaughter with the first William de Londres, and (3) of Christopher de Preston with the eldest daughter of the third successive William de Londres. It was probably then not mainly as an antiquary, as suggested in the preface, that Christopher placed these documents in his Register; for though many of the lands involved never came to him, some of them did, and as to the rest he may have thought that it was well to preserve the records in case an opportunity should occur for making an hereditary claim or seeking a grant from the Crown. These charters throw fresh light on the aims and methods of the early Anglo-Normans and on the origin and devolution of important manors. In particular the true succession of the Geraldine barons of Naas and their ultimate failure in the male line can now be made out with reasonable certainty.

As this succession has never been correctly given, not even by the editors of this volume, a few words about it may be welcome. On page xiii of the preface the editors set out a table showing 'the descent of the De Prestons from Maurice FitzGerald as appears in the documents in the Register'. They notice that in some minor particulars in the later part of the pedigree the statements in the Register (i. e. in certain genealogical memoranda and obits inserted on fo. 2 and fo. 2^d) are in conflict with other (and better) sources, but they do not notice—what is more important—that one of the early barons is altogether omitted in these memoranda, though mentioned in some of the deeds calendared. The fact is that all writers, so far as we know, have confounded William, son of Maurice, the second baron, with his son and successor, William, son of William, the third baron. The distinction between these two has escaped even the vigilant eye of Dr. Round,¹ who, however, it is right to add, had before him only the bald and inaccurate headings of the Register given in the

¹ *Genealogist*, N.S., vol. xv, p. 1, &c.

4th Report of the Historical Manuscripts Commission. William, son of Maurice, who, according to Giraldus, married in 1174 Alina, daughter of Strongbow, seems to have died before 1199, when 'William de Naas' fined for an inquisition of *mort d'ancestor* against the abbot of Baltinglass.² This was his son and successor, the third baron, who married Mahaut de Pont de l'Arche and died in 1227, when he was succeeded by his son David, the fourth baron. The third baron is often called simply 'William baron of Naas', and hence the confusion with his father; but in several documents his patronymic appears,—for example, as the grantee in two charters calendared in this volume (p. 154) and ascribed to c. 1205. One of these is transcribed (p. 200), and the Latin is free from any possible ambiguity: *Willelmo filio Willelmi baroni del Nas*. It is found also in the interesting document by which G[oeffrey de Henelawe] bishop of St. Davids (1203–14), after reciting grants of the dapiferate of St. Davids by previous bishops (1) to Maurice, son of Gerald and his heirs, (2) to William, son of Maurice, son of Gerald and his heirs, granted and confirmed the same to William, son of William, son of Maurice and his heirs; and again in the declaration of loyalty by the magnates of Ireland c. 1212,³ and as a witness in 1221 to the grant already mentioned by Walter de Lacy to Philip de Angulo enrolled in the Irish Chancery.⁴ The existence of this William FitzWilliam, baron of Naas, and his position in the pedigree, though hitherto ignored, is thus clearly established. By another interesting document, dated 19 August 1257, Maurice, son of Maurice, acknowledges the custody of the manors of Maynooth and Rathmore to be the right of David, baron of Naas, 'because Maurice son of Gerald [who died in that year] held of him, and Maurice son of Gerald heir of said Maurice son of Gerald is under age'. This is an express confirmation of a recent correction made by the present writer in the theretofore received pedigree of the barons of Offaly.⁵

In the approximate dating of undated documents the editors are not always as precise as they might be. The grant by Richard de Burgh to Hugh de Lacy of five cantreds in Connaught ascribed to c. 1240 (p. 143) was certainly not later than 1235, when, with the aid of Hugh de Lacy, the conquest of Connaught was completed. John's confirmation of Naas to William, son of Maurice, 'at Kyldayr' (p. 145) should be dated 1185, not c. 1186. John left Ireland before the close of 1185. No attempt is made to date Hugh de Lacy's grant to his daughter Matilda (pp. 146, 195), and indeed there are some difficulties about this grant which would take too long to discuss here. It can hardly be dated before Hugh's restitution in 1226–7, and if it was made on the occasion of Matilda's marriage it should probably be ascribed to c. 1227. The marriage of Matilda, daughter of David, baron of Naas, with John Pincerna, is ascribed to 1229, but this seems clearly incorrect. Henry (*recte* Maurice), son of Gerald, the first witness, described as then justiciar, does not appear to have held that office in 1229, though so stated by Harris. He was justiciar from 1232 to 1245, and the marriage more probably took place in or shortly before the latter year.

GODDARD H. ORPEN.

² *Oblata Roll*, 1 John, m. 15.

³ *Cal. of Documents, Ireland*, i, no. 448.

⁴ *Patent Roll*, 32 Eliz. m. 41.

⁵ *Journal of the Royal Soc. of Antiq. of Ireland*, xliv. 105 *et seq.*

Acta Pontificum Danica. VI: 1513-36. Udgivet af A. KRARUP og J. LINDBÆK. (København: Gad, 1915.)

THIS is the concluding volume of a most useful work, the preparation and publication of which have occupied twenty years. The authors indicate the possibility of a supplementary volume containing extracts from the papal letters (some still unprinted) from the earliest times down to 1316. In this volume we begin with the accession of Christian II and the election of Giovanni de' Medici as Pope Leo X, and end with the establishment of Christian III on the throne of Denmark during the papacy of Paul III, and the forcible introduction of the Reformation into Denmark and Norway. The relations of Christian II with Rome, as set forth in these documents, would form matter for an interesting monograph. In many respects they slightly add to our knowledge or throw fresh light on the career of this extraordinary monarch who resembles the Renaissance Italian princes. Did he ever read Machiavelli's *Prince*? It is quite possible, as that work was written in the first years of his reign; but if he read it, it did no more than confirm him in his natural talent for intrigue and deceit. It can certainly be said that Christian II got the better of Leo X. Had Hadrian VI lived longer, he would have been less amenable; but when he died, Christian II was already an exile. Something of his immunity Christian doubtless owed to his inaccessibility. His imprisonment of Carl, bishop of Hamar, which led to the bishop's death in an attempt to escape, was one of his most violent acts as viceroy of Norway, and an inquiry into the circumstances was ordered by Julius II; but on the accession of Leo X the cardinal protector (Marcus Vigerius) found it easy to arrange for his absolution. Throughout Christian's interests were well represented at Rome. In 1516 a new cardinal protector was needed, Vigerius having died; an official of the curia, Zutfeld Wardenberg, who was largely employed in the king's interest, recommended a Spanish cardinal, but Cardinal Pucci was chosen, as more likely to foil the attempt of Sten Sture to obtain the sanction of the pope to his coronation as king of Sweden, in which intrigue he was supported by the pope's brother-in-law Cibo. Besides these friends at court, Christian's interests were represented at Rome by men he could trust, Danish ecclesiastics.

The letters from Hans Hansen and later from Claus Pedersen are in the vernacular and written in a tone implying considerable intimacy with the king. From the first there were difficulties. There was a long quarrel with the bishop of Odense, chiefly over money, which ended in the incarceration of the bishop, so that he had finally to become reconciled with Christian by paying the sums claimed, and accompanied the Danish army when it invaded Sweden in 1520. Then there was the archbishopric of Lund, the primatial see of Denmark. Its occupant, Birger Gunnerson, was old, and Christian feared he might resign in favour of some unwelcome person. So already in 1514 Cardinal Vigerius suggested the appointment of a coadjutor with the right of succession. Archbishop Birger did not, however, die till 1519, and by that time Cardinal de Cesis had secured the see for himself by papal provision, and did not resign

his claim absolutely in spite of numerous professions for fourteen years. In 1533 the Danish council of state appealed to Clement VII to recognize the canonical election of Torben Billee, who at any rate was *de facto* archbishop when Christian III laid hands on all the bishops in 1536, and stated the case thus: the canonically elected archbishop (who spent large sums to keep others out) was expelled by Christian, who thrust in three successive men of his own in three years, the last of whom fled with the king and carried off the church's treasures. This seems roughly accurate. What appears from the documents further may now be briefly told. Christian, who was determined to fill all important preferments with his own creatures, first selected George Skodborg, who was his ambassador to Charles V, to try to secure the balance of his queen's dowry, and Charles V himself wrote to the future Clement VII in his favour and against Cardinal de Cesis. Then, however, Christian changed his mind and obtained papal nomination for Didrik Slagheck (12 July 1521). A document to a similar effect (no. 4346) is dated 19 March 1513, and is thought to belong properly to the summer of 1521, but may be earlier; in this it is stated that he was the son of a priest. His brother, John Slagheck, however, wrote from Rome to Sigbrit Willems, the Dutchwoman who had such influence over Christian, as his mother. There seems no reason whatever for questioning this. Geijer, in his history of Sweden, calls Slagheck a relative of Sigbrit; other historians have represented him as coming to Denmark in the following of the legate Arcimbold. It is, however, clear that he came with Sigbrit and Düweke from Norway or joined them in Copenhagen soon after. His relationship to Sigbrit explains his otherwise extraordinary prominence in Stockholm in 1520.

The dates of Arcimbold's mission to the north are clearly set out. On 2 December 1514 he was empowered to grant absolution to all who should contribute to the rebuilding of St. Peter's in the archdioceses of Cologne, Trier, Salzburg, Bremen, Besançon, and Upsala. The commission is to last for three years, 16 April 1515. Denmark and Norway were added, 3 September 1516. On 6 September the pope writes to Sten Sture that Arcimbold is to mediate between him and the prelates, and on the same date to Arcimbold ordering him to go to Sweden at once. On 7 December Wardenberg warns Christian that Arcimbold is on Sten Sture's side. Arcimbold did not go to Sweden till 1518, but on 2 January 1519 writes on behalf of Sture to the pope. By 13 June 1519 the pope has heard that Arcimbold's collections have been seized by Christian. On 16 August 1519 the pope has received Christian's complaint against Arcimbold and orders the latter to return and answer the accusation. On 1 September 1519 the papal auditor of causes formally declares himself against Arcimbold and Sture, and demands the release of Archbishop Gustav Trolle. It is fairly clear that Rome was determined to wait to see whether Sweden succeeded in throwing off the Danish connexion. Thus Leo X not only commends Arcimbold to Sture in 1514 and 1516, but bids the archbishop of Upsala and the Swedish hierarchy to be peaceful and preserve good order in the kingdom; and Wardenberg is no doubt right in thinking that most powerful influences at Rome were on Sture's side. The violent proceedings against Archbishop Trolle altered feeling considerably, but

even on 21 April 1518 Cardinal Pucci writes to Christian urging him to release the bishop of Odense, lest it should be said that his behaviour was as bad as that of Sture to Archbishop Trolle. It seems from no. 4676 that the interdict on Sweden was not formally proclaimed till 1519, and Arcimbold's mission was prolonged on 25 June 1519, at a time when his letter of 2 January pleading for Sture must have been received at Rome. Not till the autumn did the attitude of Rome completely change. The news of Sture's death (3 February) had reached Rome by 13 May 1520, when permission is given to suspend the interdict with Trolle's consent.

The letter of Christian, in which he lays all the blame on Arcimbold for the Stockholm blood-bath, is unfortunately not dated. It had obviously not reached Rome on 22 March 1521, but was apparently read in a consistory on 14 June. On 1 July it was resolved to send Francis de Potentia to the north. Christian's defence of his savagery represents it as an act of tumultuous vengeance because of a plot to blow up his chamber with gunpowder, in the course of which the two bishops were killed by misadventure. (He says nothing of the murder of a third bishop in Finland.) He speaks of Arcimbold, whose name was Angelo, as not a 'pacific angel' but 'tumultuum ac seditiois concitatorum, heresium procuratorem et proditorem pessimum'. This 'Defender of the Faith' had been exhibiting his Christian zeal by nominating a new bishop of Gardar and pretending that he was going to win Greenland from the heathen; and in 1521 he actually asked the pope to canonize two northern saints. But his leanings to Lutheranism were now no secret. In the summer of 1521, when his power seemed at its height, he visited Flanders. The papal nuncio at Brussels writes to Rome a most interesting letter about his visit. He had to attend a great burning of Lutheran books with his brother-in-law at Ghent on 25 July. But the nuncio adds that Christian's ambassador at Worms had brought with him a box of Lutheran books, and that Christian had invited Luther to Denmark, Melancthon being retained by the elector of Saxony. (The nuncio does not yet know that Carlstadt and Gabler had already arrived in Copenhagen.) He advises that in spite of Christian having put the bishops to death and having these Lutheran leanings, 'servata quadam summi iuris remissione se chiudi un pocho li ochi, per che oltra e Re e cognato di Caesar et grato a sua Maesta et e homo terribile et ha paese pericoloso ad deficientum ab obedientia ecclesiae et a fide, che non sarebbe la prima volta'. Rome decided to shut its eyes to Charles's brother-in-law, but it was necessary to read him a sharp lesson. However, Francis de Potentia was instructed to leave him a 'locus penitentiae, ne desperatione ductus declinaret ad scismaticos propter vicinitatem, quod non sine magna dicte sedis plaga et iactura facile adherere posset'. So Christian was allowed to throw over his tool, Slagheck, and have him burned; but as to this the documents give no further light.

After Christian's flight Charles V was very cool to his brother-in-law, whose enemies at Rome were active, but it appears that Rome permitted Cardinal Campeggio, who gave Christian absolution in 1530, to work for his restoration as far as possible. Henry VIII, against whom the pope thought it necessary in 1513 to warn Christian not to go

to war, wrote to the pope on 28 June 1523 asking him to support Christian's restoration, 'quia periculum est ne si detronizandi expellendique reges ex subditorum populorumque dumtaxat libitu consuetudo mala semel invaluerit, principum omnium maiestas ac dignitas summum accipiat detrimentum'. An envoy was expected from him at a conference on the subject in Hamburg on 10 April 1524. Nearly all the imperial family wrote to Rome on behalf of Christian's nominee to Lund, John Weze (or Vetz), while Frederick supported George Skodborg's claims, which prevailed at Rome, 29 November 1525. Weze had to be content with the see of Roskilde, 5 December 1530. The usual indulgences were granted to the Danish prince and princesses, 5 February 1531, and on 8 August 1532 Charles V went to see the prince, who was ill. It looks as if the emperor hoped to restore this young Hans to the throne of Denmark instead of his father, now that his hands were not so full; but his early death prevented it. Plainly the great alliance of Christian with the emperor's sister enabled him to escape many dangers. She is usually called Isabella, but she signs herself 'Elysabet'.

One interesting act is recorded of Leo X, namely the sending of John Heytmers to Germany and the north in 1515 to collect classical manuscripts. At first the detainers of manuscripts are threatened with excommunication. In 1517 Leo asks Christian to let Heytmers have on loan a manuscript of Livy from Kalundborg. Curiously enough, in two later documents, dated 17 January 1526 and 22 July 1532, Clement VII asks Christian to let Heytmers have manuscripts of St. Paul's epistles from Kalundborg. There must be some mistake here, as in neither year could Christian have done any such thing. It is greatly to be wished that a similar collection of the Swedish documents in the papal archives could be published. The plan has been formed and some work has already been done, but apparently funds are wanting.

G. C. RICHARDS.

Calendar of Letters, Despatches, and State Papers relating to the Negotiations between England and Spain preserved in the Archives at Vienna, Simancas, Besançon, and Brussels. Vol. XI: Edward VI and Mary, 1553. Edited by ROYALL TYLER. (London: H.M. Stationery Office, 1916.)

THIS volume is 140 pages shorter than its predecessor, but it covers only one instead of three years. The discrepancy is not due to any change of scale, though the account (pp. 136-50) of the capture of Théroutanne might have been abbreviated, but to the importance of the events described. The last six months of Edward VI's reign and the few days of Queen Jane's together occupy less than a fifth of this volume, the remaining four-fifths being devoted to the first five and a half months of Mary's. Schefve, who continued to be Charles V's resident ambassador in England, was of small capacity, and kept the emperor ill-informed about English politics; Charles, too, had enough on his hands with the French war and troubles in Germany and Italy without concerning himself much about England. Edward's death and Northumberland's *coup d'état* therefore came upon

him as a disagreeable surprise, and his caution descended to timidity when he repeatedly counselled Mary to acquiesce in the usurpation of her rival. Mary owed nothing of her success to Charles, but the emperor was prompt to take advantage of it, and in Simon Renard he found a first-rate agent of his diplomacy. Renard, in fact, having rid himself of the embarrassment of his three colleagues in the embassy, Schefve, Courrières, and Marnix, became, if not Mary's prime minister, at any rate her most trusted and influential adviser; and his dispatches are of primary importance for the history of the Spanish marriage. They bring out clearly enough the motives of Charles V—his anxiety to protect the Netherlands against a combined French and German attack, and to safeguard the communications between them and Spain—and the obstacles to the marriage caused by rival claims on the part of the archduke Ferdinand, Luis of Portugal, Philibert of Savoy, and Courtenay, by English antipathy to Spaniards, and by Cardinal Pole's desire to put religion before politics and the restoration of papal jurisdiction before the Spanish marriage.

The volume is full of interesting information on a variety of topics, but it does not materially modify our conception of the main outline of events, and the more important documents have already been printed by Gachard and Weiss and used by Froude and Gairdner. The confession of Northumberland relating to Somerset's fall, on which Mr. Tyler laid some stress in the preface to his previous volume, is simply Renard's account of the confession which Froude printed in a note; and where documents are printed for the first time they have in many cases been available to students in transcripts at the Record Office. The French account of Northumberland's confession, which Raumer printed,¹ does not appear to have found its way into any of the archives used by Mr. Tyler. His identifications still give him some trouble: on p. 42 a French report says that 'M. du Bye has gone to Piedmont with a number of men', and Mr. Tyler comments, 'this may possibly be Alberto del Bene, an Italian in the French service'. It is more probably Oudart du Bies, marshal of France, more particularly as he is mentioned just after Vendôme, whose lieutenant he had been. On p. 197 'My Lord Owards', sent on an embassy to Charles V, is identified with Thomas Howard, afterwards duke of Norfolk, who was only seventeen years old in 1553; 'Owards' is a French misreading for 'Warden', and 'my Lord Warden' was Sir Thomas Cheyne, about whose mission full details are given. On p. 199 'Hutten Hoone, one of the chief preachers' is identified with Dr. Horne, Dean of Durham; he was John à Lasco's friend Utenhove. The office of Lord Great Chamberlain was not 'hereditary in the Earls of Oxford' (p. 37 n.) in Tudor times.² Nor do we think it quite just to Gardiner to say that 'he emerged from the Tower, having learnt and forgotten nothing'; his efforts, recorded in this volume, to prevent England being used for Charles V's purposes are not the least creditable episode in his career.

A. F. POLLARD.

¹ *Illustrations of History*, ii. 77. Raumer gives 'Fonds St. Germain 740' as his reference, but that manuscript deals with the fall of Robert Carr, earl of Somerset, and the account of Protector Somerset's fall cannot now be traced.

² See G. E. Cokayne, *Complete Peerage*, ed. Gibbs, iii. 607.

Bronnen tot de Geschiedenis der Leidsche Universiteit. Uitgegeven door Dr. P. C. MOLHUYSEN. I: 1574-7 Febr. 1610. ('Rijks Geschiedkundige Publicatiën.' XX.) (The Hague: Nijhoff, 1913.)

THIS instalment of a collection of sources for the history of the university of Leyden contains records of the proceedings of the Senate and Board of Curators, the 'Resoluties van Curatoren' being in Dutch, and the 'Acta Senatus', in which there is an unfortunate gap for the first four years, in Latin. Then follows an appendix of illustrative documents in Dutch, Latin, and French: proclamations, petitions, letters, statutes, rules and regulations, schemes of study,¹ lecture subjects and hours, lists of degree theses, &c. The material is chosen principally from the point of view of the history of education. Less attention has been paid to departments of university work already discussed in separate monographs. Dr. J. E. Kroon, for example, had dealt with the history of the medical school,² and Dr. Molhuysen himself with the university library. Both parts of the present work have explanatory foot-notes, and there is a useful index of proper names. The result is a bulky volume; but we are expressly warned by the editor against supposing that the years thus covered can be regarded as a completed period, since it was not until the statutes of 1631 embodied the experience of the preceding half-century that the university can be said to have reached maturity ('dat de Universiteit haar groeityd achter den rug heeft').

The governing body which determined appointments, salaries, &c., consisted of three curators, nominated for life by the estates of Holland, and the four annual burgomasters of the town of Leyden. This board is referred to at one time as the curators, at another as the curators and burgomasters. The first name on the list of curators is that of Jan van der Does, the famous scholar Janus Doussa, commandant of the town garrison during the siege, whose vigorous features form the frontispiece to the second volume of Marx's *Lucilius* (1905).³ The best known of the burgomasters is Pieter Adriaenszoon van der Werff, who had held office during the same eventful year. The details of academic administration were in the hands of the senate, which according to the statutes should have included the professors and all doctors and masters who had graduated in the university and were resident in Leyden. But this arrangement does not appear to have been carried out, and in practice the senatus consisted of the 'professores ordinarii'. Their chairman was the rector, chosen yearly from among themselves, three names being submitted to the board of curators, who forwarded them, with a recommendation,

¹ See, in especial, the 'leerplan' drawn up by Feugneraens, p. 39^a.

² Another technical subject for which provision is made is land surveying and engineering. Under this head Captain Shandy would have studied with interest the requirements in fortification on pp. 388 sqq. drawn up by the famous Stevinus. For such students the instruction was to be in Dutch ('in goeder duytscher tal'), as those engaged in practical engineering rarely, if ever, converse with one another in Latin ('met malcoander geen Latijn sprescken of immers seer seldom'). The diploma for a 'Meester in de Duytsche mathematicke' is given on p. 411^a.

³ By an oversight this portrait is stated in Sir John Sandys's *History of Classical Scholarship*, II. 301, to be that of Franciscus Doussa.

to the prince of Orange, or in his absence to his council. The rector, who had certain executive functions apart from his duties as chairman, was assisted by four assessors, one for each faculty. The precise demarcation between the powers of senate and curators and burgomasters was gradually determined. Their functions seem to have corresponded generally to those of council and professorial board or senate in our own younger universities. The three life curators named by government would no doubt be a useful curb on any narrow municipal patriotism among their annual colleagues. It is in the question of appointments that local prejudices are most apt to conflict with academic interests.

The university of Leyden owed its success from the start to the foresight which filled its chairs with men of distinction, without respect to their place of birth. We have abundant evidence here of the eager persistence with which foreign scholars were wooed to Leyden, prince and government supporting the university in their negotiations. The story of Leyden's greatest acquisition, Joseph Scaliger, has been told elsewhere, and, indeed, by Dr. Molhuysen himself; and some of the chief pieces, such as the letters of Prince Maurice and the estates of Holland to Henri IV, are included in Scaliger's *Epistolae* (1627). In the present collection are full materials for studying this episode. Scaliger was a privileged personage, paid at a far higher rate than his colleagues, excused from the detested task of lecturing, and taking no part in the routine of administration. Justice has not always been done to his distinguished, if less eminent, predecessor. Pattison, in particular, was repelled by Lipsius's religious attitude, and had no special sympathy with his gift for emendatory criticism. All students, however, of Latin scholarship are bound to recognize the value of Lipsius's work; and his letters give us the human side of the man who so delighted in his friends, his dogs, and his tulips. The permanent influence exercised by Lipsius on the studies and traditions of the university has been dwelt on by Lucian Müller;⁴ and Dr. Molhuysen puts before us vividly the heavy share that he bore in the task of administration. During four of the thirteen years that Lipsius spent at Leyden he held the office of rector. Of one part of his duties there is no record; for minor matters of discipline were disposed of by the rector and his assessors without troubling the senate. But enough remains to provide a lively idea of the amount of time spent or wasted on the details of business. There are differences with the curators and with the municipal authorities. In 1579 the latter banish Nicholas van Dam, a former professor, and refuse to entertain the university's petition on his behalf. On 3 May 1586 a letter written 'Teutonica lingua' (i. e. in Dutch) is received from a parent complaining that his son, though a student, has been compelled by the town magistracy to do military duty among the citizens. On 13 December 1603 we read that Dominicus Baudius, whose career was subsequently cut short by delirium tremens, had objected 'hybernis praesertim temporibus' to lecture at his assigned hour of 7 a.m. The senate gives him 1 p.m. He disregards their decision and posts a notice that he will lecture next Monday morning at 9. The senate demands an explanation: he pleads the permission of the curators, and is told

⁴ *Geschichte der klassischen Philologie in den Niederlanden*, 1869, pp. 24-9, 33-5.

to lecture at 1 or not at all. On 9 February next year it is proposed that he should exchange with Heinsius and lecture at 4. Baudius protests that he would sooner resign his chair. His complaint that the senate's sole reason for refusing him this hour is that they object to the curators' interference is duly entered on the minutes. Next week the business comes up again; those who have sat on similar bodies know exactly what it was all like. A few more instances may illustrate the varied matters that claimed the time of the senate. On 12 February 1593 a substitute has to be found for Professor Pauw, one of the assessors, who has just been arrested on a charge of murder; on 5 May Pauw is voted a piece of plate for his marriage. On 5 August 1580 there is a serious crisis. The professors resolve to strike. All lectures are to be suspended as a protest against the action of the municipality in curtailing the privileges hitherto enjoyed by members of the university of exemption from excise duty on wine and beer, an action which had given deep offence to the students ('querelae acres studiosorum'). Three days later the rector with two assessors starts for the Hague and successfully pleads his cause before the government. But lectures could not always be dropped with impunity. On 8 August 1595 the curators and burgomasters, after inspection of the record of attendance kept by the university beadle (Louys Elsevier), fine ten professors in carefully assessed sums for lectures missed. However, on 4 October 1604, the senate decide, as a mark of their grief at the death of Janus Dousa, to stop lectures for a week. This precedent is followed on Scaliger's death in January 1609.

Of the students' life, as Dr. Molhuysen himself confesses, we learn comparatively little.⁵ Only their graver delinquencies come under the immediate notice of senate or curators. We hear their voices in petitions. On 23 June 1582 they ask that Aristotle's own text instead of a compendium or epitome should form the subject of lectures.⁶ On 25 January 1602 they petition to be allowed to act the *Amphitryo*, arguing that if objection is raised on the score of Jupiter's immorality, then logically the story of David should be expunged from the Bible. In the summer of 1595 they had acted the *Plutus* of Aristophanes, Seneca's *Troades*, and the *Miles Gloriosus*. In the autumn of the same year the Frisian students played the *Amphitryo*, the *Hercules Furens*, and Macropedius's *Andrisca*. On 9 February 1600 they complained to the curators of unjust treatment by the town authorities. On 12 October the same year there is a fatal brawl described by a student who was present. The disturbance is begun by Dominus Mylander (a German, Holtzapfel), 'qui valde erat potus', marching through the streets with drawn sword. Dominus Jacobus Hunnius (a Holsteiner) challenges the watch, 'his et similibus verbis', his uncompromising language being given in the vernacular. The watch 'non dissimilibus, imo peioribus responderunt'. At last it comes to shooting, and the unlucky Hunnius 'globo traiectus est'. In January 1607 relations between the university authorities and the students have

⁵ In 1610 the number of students who have registered and paid fees is 160. If this represents the number of freshmen the total number in residence would be five or six hundred. There are ten Professores Ordinarii.

⁶ One of the six signatories is an Englishman, Samuel Ash.

become greatly strained. The latter claim official recognition for the deputies representing their various 'nations'. In reply the senate and curators exhort the students to obedience, and warn them against disturbing lectures, calling meetings of the student body, and appointing deputies on every pretext. The students rejoin with a protest couched in vigorous Latin, the police being described as 'foetidissimarum cloacarum faex'. There are some curious details among the charitable disbursements of the rector. The recipients of small sums include a poet laureate, a Scottish preacher⁷ returning home who could show 'veel heerlicke testimonia vitae et studii' (p. 266*), a poor man who spoke Latin well and had broken his arm (p. 292*), a blind man who was formerly a preacher in Frisia 'ende goet Latijn sprac'.

In the midst of these illustrations of social and academic life we are reminded of the crisis through which the Netherlands were passing. The 'octrooi tot het oprichten der Universiteit' is still issued by William of Orange in the name of 'Philips by der Gracien Gods coninck van Castillien' (6 January 1575). On p. 100* we have the proclamation by which (26 March 1582) the king forbids his subjects to study at the university of Leyden. On 4 January 1586 the professors debate whether they shall offer their respects to the earl of Leicester at the Hague or wait till he reaches Leyden. On the 14th they decide to omit an annual banquet, because Leicester is expected to be in Leyden at that date and they would thus be obliged to invite him and entertain him at great expense. On 1 February they decide to consult the curators whether the nomination of the new rector should be referred to the earl of Leicester or Prince Maurice. It was referred to Leicester, but, as was noted in the minutes, this was wrong. According to the statutes the choice of the rector belonged 'ad Gubernatorem Hollandiae'. (Leicester had accepted the post of governor-general of the United Provinces on 24 January.) It was proposed at this time by one of the curators that in future when a new rector was inaugurated the university statutes should not be read in public as they contained some matters which it was undesirable that students should know; but the old custom was retained. From Leicester's conduct in his Oxford chancellorship one would scarcely expect him to be disinterested in his dealings with a university. We soon find him writing from Utrecht to the curators, directing them to provide a salary and post for a protégé of his, one Regemorter: 'Decernetis igitur annum stipendium quo se honeste alere possit; quod ne frustra percipiat, Graecam illi lectionem (quae aliquot iam menses ex discessu Petri Tiaræ, uti intelligo, vacavit) extra ordinem demandabit.' The curators put the question by with the answer that there is no vacancy at present but that they will think of his young friend if there is an opportunity. On 6 May the burgomasters attribute the decline in the number of students to the practice of some professors of taking holidays for a week at a time, 'cum magno studiosorum detrimento'; they especially admonish

⁷ Scots figure frequently under this head. On 19 February 1600 'een arm Schots student der cranck was' gets 15 stivers, and 10 are granted to 'noch een Schoto'. On 11 April 'een arme Schots student geheten Robertus Junius' (Young, presumably) is given 16 stivers.

the rector, Saravia, for being often away at court attending the earl of Leicester, and quote Doussa's authority for the existence of a secret intrigue on the part of some people to transfer the university elsewhere. Saravia's defence is that Leicester had wished to see him about ecclesiastical matters. In October next year, after the failure of the plot to seize Leyden in Leicester's name, Saravia fled; and on 2 November the curators and burgomasters relieve him of his chair of theology. On 19 October 1609 the senate decree that the preacher of the funeral sermon on Arminius 'nihil ei misceret quod ad alicuius collegae contumeliam pertineat'. Gomarus, it will be remembered, was one of the theological faculty.

From early days to at least the latter half of the eighteenth century Leyden, as well as her younger sister of Utrecht, enjoyed a special connexion with England and Scotland. Sir Thomas Browne, Goldsmith, Fielding, and Boswell are well-known instances. The present volume contains many English and Scottish names. The very first to take a doctor's degree is Iacobus Jaimes, Anglus, Doct. med. James Ramsay, Scotus, is extraordinary Professor of Logic and becomes Doctor Iuris in 1592.⁸ Efforts were made in 1590 to secure the theological services of the famous Thomas Cartwright, then preacher in the English church at Antwerp. Lipsius as rector visits Antwerp and reports on his return 'se coram Antverpiae cum Carterwichto egisse; frustra'. England may claim too a share in one distinguished foreigner, 'Janus de Gruytere, Antverpius', who graduated as Doctor Iuris in 1584, having received part of his education at Norwich and Caius College, Cambridge.

Interesting and even fascinating as these records are, we cannot help regretting that, as must generally be the case in the history of education, we somehow fail to reach the inmost penetralia. The final end of all academic machinery is to bring the teacher face to face with the taught. In these pages we may hear the shuffling of the students' feet within (p. 78), but are dropped at the door of the lecture room. Still, we have gained a very definite impression of the university atmosphere and surroundings, and for what is missing must fall back on conjecture. From Scaliger's letters and the *Scaligerana* we may perhaps infer how he used to dispense advice and entertainment to a select circle of listeners. Lipsius's epistles, critical and domestic, enable us to guess what his lectures were like; while from physicians' case books, which, as one historical novelist at least has discovered, are such admirable witnesses to social and moral conditions, we may reconstruct in part the clinical lectures of the Leyden school. Similarly those who read and re-read the preface to *Variae Lectiones* may fancy how in more recent days Colet in his fluent and racy Latin expounded the Greek classics to a Leyden audience.

By his care and labour as editor Dr. Molhuysen has laid not only his own countrymen but students of university history everywhere under a deep obligation.

E. BENSLEY

⁸ In 1599 Joannes Mordisonus, Scotus, is given permission to lecture in public on philosophy. Later we find him lecturing regularly on Logic and Aristotle's Physics.

The Works of John Smyth, Fellow of Christ's College, 1594-8. With Notes and Biography by W. T. WHITLEY, M.A., LL.D. (Cambridge: at the University Press, 1915.)

JOHN SMYTH, the so-called Se-Baptist, holds an honoured place in the early history of the Baptist churches. It was a wise thought that projected an edition of his works for the Baptist Historical Society as a tercentenary memorial of his death in 1612: and another wise provision placed the editorial work in the hands of Dr. Whitley. Two handsome volumes are the result, containing a reprint of all the seven works which Smyth is known to have published, besides some minor writings which have survived in manuscript. There is also a biography extending to 120 pages, which will probably secure more readers than Smyth's writings themselves.

Dr. Whitley begins the biography at the point where Smyth became a sizar at Christ's College, Cambridge; and he takes great pains not only to emphasize the scholarly attainments of Smyth, which distinguished him from many of his fellow workers, but also to give a skilful and graphic picture of academic life as Smyth must have known it, with considerable reference to current events in the university and to his contemporaries in the college. There is little that reveals Smyth himself at this era. He stayed up after taking his degree, became a fellow, and was ordained in 1594 by Bishop Wickham of Lincoln. He married, and vacated his fellowship; and still all is obscure, until on 27 September 1600 he was chosen lecturer to the mayor and corporation of Lincoln. The first two of his books represent some of his sermons preached in this capacity. But before they were printed, disturbances arose; and Smyth, besides being dragged into municipal squabbles, was in trouble with the ecclesiastical authorities for preaching without a licence. The advent of James I and of Bancroft did not make the ecclesiastical atmosphere more congenial for Smyth; and while his two books appeared in 1603 and 1605, he himself remained in obscurity. When he again emerges in 1606, he is in trouble afresh, this time at Gainsborough, for no worse crime than supplying the place of an absentee vicar. But he had evidently been rapidly developing in the direction opposed to the official church. The point which he had reached by 1607 is indicated in the brief tract called *Principles and Inferences concerning the Visible Church*. Meanwhile he himself was acting as pastor of a separatist church at Gainsborough, established on a formal covenant.

In 1608 the church emigrated to Amsterdam; and there Smyth's four last years were occupied to a considerable extent in discussion and controversy among the exiles who had resorted there. For the new-comers could not agree as to polity with the 'Ancient Church' founded there in 1596, of which Ainsworth and Johnson were the leaders; and rival views abounded. Soon Smyth's attention was turned to the deeper question of the qualification for church membership and the nature of baptism; with the result, that in 1609 he reached the conclusion that the baptism which he and his followers had received was at least worthless, and that they needed a new baptism as converted believers. Smyth therefore baptized first himself and then the rest; and the church was reconstituted on a new basis. This action is Smyth's main title to fame: for while his books were forgotten

and became almost extinct, the new tradition which he began has had a long and successful continuance ever since.

This brief résumé of some of the points in Dr. Whitley's biography is enough to give some idea of the two volumes, and to justify the pains that have been taken to produce a standard work concerning Smyth and including his complete writings. It is regrettable that no authorities are quoted for the statements made. Dr. Whitley is obviously under considerable obligations to other writers and of various sorts. Sometimes the reader can mentally supply the reference and estimate the obligations: but at other times he may want to know, and not be able to know; or he may even question what Dr. Whitley says, and not be able to verify the statements, or the reverse. In a book of much merit and research this is a considerable defect.

W. H. FRERE.

Calendar of State Papers (Domestic), 1702-3. Edited by R. P. MAHAFFY.
(London: H. M. Stationery Office, 1916.)

THIS is the commencement of a new series of calendars dealing with the reign of Queen Anne, and will be warmly welcomed by eighteenth-century historians. Important changes have been made in the method of calendaring, which are set forth in Mr. Mahaffy's preface. 'I am convinced', he says, 'that the new method of calendaring is preferable to the old,' and this conclusion is fully borne out by the volume. The chief change is the division of the documents into two classes: first, documents calendared in chronological order; secondly, documents classified according to their nature and given in tabular form. Thus church and university appointments, military commissions, passes, Scottish and Irish warrants, &c., for 1702 will be found collected in classes at the end of the year. There is no general historical preface to these papers; that is deferred to the next volume. Mr. Mahaffy gives in the preface a list of the volumes of manuscripts from which the papers calendared have been derived, a duty which the regulations prescribe to all editors but which most of them neglect, to the great inconvenience of students. It would have been better to supply also a table giving a list of the posts held by the chief officials when letters are summarized. It does not appear what posts were held by 'Manchester', Vernon, &c., when they are first mentioned in the calendar.

The papers here calendared, which extend from March 1702 to May 1704, are a more complete and consecutive collection than most of the later seventeenth-century calendars contain. They are particularly valuable for naval history, as they include instructions issued to admirals and squadron commanders, and some of their letters home. Take for instance the instructions to Rooke (pp. 108, 216), Benbow (pp. 345, 545), Shovell (pp. 121, 193, 528), and others, and the series of papers relating to Munding's expedition to Corunna and his court-martial (pp. 49, 63, 75, 177). The landing at Cadiz and the trials which sprang out of it are also of interest (pp. 254, 298, 306, 320). The papers relating to Scotland are numerous: they include instructions to high commissioners on establishment for the Scottish army, several private letters from William Keith about Scottish politics, and warrants and commissions of all sorts.

The papers relating to Ireland are of the same kind : the foundation of an Irish State Paper Office, ordered by warrant on 26 January 1703 on the petition of Joshua Dawson, is a landmark in the history of Irish records (p. 555). There is little of literary interest in the volume except a letter from Defoe, which is exhibited in the museum of the Public Record Office (p. 532), and a petition from the Society of Apothecaries which illustrates the quarrel described in Garth's *Dispensary* (p. 334). Amongst economic documents the proposed charters to the pewterers (p. 238) and tanners (p. 608) and the papers of John Haynes on the wool trade (pp. 294, 518) deserve notice.

There are not many personal references to Queen Anne. One disloyal subject said, ' If the Queen were King James's daughter I am sorry she is crowned ' (p. 59), and another described her already as ' brandynosed ' (p. 638). References to the cabinet council, of which there are about ten, show that it habitually met on Sunday. The numerous papers relating to the treatment of prisoners of war and their exchange are of considerable interest at the present time (pp. 281, 624, 689, &c.). In consequence of complaints from English prisoners in France the queen ordered the subsistence money given French prisoners in England to be reduced, and said that unless her subjects who happened to be prisoners of war were better treated ' her justice will call for such retaliation as may (if the French King has any tenderness or regard for his own subjects) induce him to give effectual directions that those of her Majesty's whom the chance of war shall bring into his power may be used like fair and honourable enemies ' (p. 629). It seems clear that these measures of retaliation proved effective. On the other hand, it is evident from other papers that the treatment of French prisoners in England was not above reproach, although by comparison more favourable.

C. H. FIRTH.

Commerce of Rhode Island, 1726-1800. 2 vols. (*Massachusetts Historical Society Collections*, 7th series, vols. IX, X. Boston, 1914-15.)

THE publication of these two volumes will be of great value to the economic historian of America in the eighteenth century. ' The historical value of the collection ', the prefatory note explains, ' lies in the detailed statement at first hand of commercial routes, usages, and development. The markets of the West Indies, Europe, and the British colonies of North America, prices, currencies, conditions of credit, insurance and hiring and sailing of vessels ; nature of the cargo and manner of disposing of it ; the initiative and responsibility of captains charged with the disposal of one cargo and the obtaining of another, whether by cash or by barter ; port-charges and customs, smuggling and bribery of officials,—these are some of the many matters dealt with, and not in general terms, but by specific examples. The range of dealings is wide ; the sugars and rum of the West Indies ; logwood from Honduras, salt from Spain and the West Indies ; whale oil and spermaceti in the crude form or in candles ; lumber, staves and casks ; live stock, flour and rice, the catalogue would be a long one, and the groups will indicate the importance and direction of the trade. The names of ships and of their captains supply material for the history of

commercial and industrial enterprise.' Occasionally the various correspondents air their views on the political situation. Thus a London merchant, Thomas Collinson, writes in September 1763 that

there was an intention to effect an ecclesiastical change thro'out all the provinces on the Continent. This was to be done by erecting one or more bishopricks. However, I believe the general design is at present suspended, and part of it only will be executed, in the new acquisition of Canada, where they seem determined to establish the church of England upon the same laws and basis as it is here.

Again, in the following year, the same correspondent writes :

In relation to new modelling the civil government of the Colonies can only say it has long been a favourite scheme with Lord Hallifax to purchase proprietorships and change them into governments wholly under the crown. The execution of this plan does not seem to make any progress, being opposed by great numbers respectable for their judgment, legislation, knowledge, and upright character.

The first volume contains numerous letters from Henry Cruger, junior, the son of a leading New York merchant, and himself member for Bristol. 'The debates in Parliament', he writes to his father in February 1766,

lasting so long on the Stamp Act determined me to return to my business ere it was terminated. I was three weeks in London, and every day with some one member of parliament, talking, as it were, for my own life. It is surprising how ignorant some of them are of *trade* and *America*. . . . We have proved the debt from the Continent of America to England is *five millions* sterling. . . . All the principal manufacturing towns have sent petitions for a repeal of the Stamp Act. A manufacturer from Leeds . . . said since the stagnation of the American trade he has been constrained to turn off 300 families out of 600 he constantly employed. . . . If the late ministers come in again to enforce the Act, they will have 20,000 unemployed poor in a suppliant manner petitioning a repeal of the Stamp Act. Otherwise they must starve.

Cruger had heard that 'the K—— was not staunch to his ministers . . . had empowered Lord Bute and Lord Strange to say that his private wish was not for a repeal of the Stamp Act'. Cruger, indeed, was unduly sanguine over the consequences of the repeal of the Act. 'I hugg myself', he wrote, 'the Parliament will never trouble America again.' Meanwhile his own private affairs were in a bad way. A Rhode Island Jew, one Aaron Lopez, was greatly in his debt on a balance of accounts; whilst he was being pressed by English creditors. 'It seems', he wrote in 1767,

as if heaven and earth were combined to afflict me at the same time: heaven, in depriving me of the best of women—my wife; earth, in tormenting me with the next greatest distress, *close dunning* from necessitous manufacturers and tradesmen. One I sigh bitterly to bring back, the others as heartily to get rid of.

If we are to take this correspondence as typical, the wonder is that trading went on at all, so unprofitable is it generally represented. The times were indeed very difficult; first, through the trouble between England and the colonies, and then with the new situation caused by the birth of the United States. In Rhode Island especially the mischief of an irredeemable paper currency crippled trade.

A letter from Dublin, April 1784, informs us that the Irish parliament was desirous of giving the American states all possible encouragement to trade with the Irish. As an example they had lowered the duty on tobacco to 11*d.*; whereas it was 15*d.* in England. This correspondent was a little

premature in the 'expectation that a treaty of commerce will shortly be concluded between the United States and Great Britain', and that 'your vessels will be allowed the same privileges as when you were under the dominion of Britain'.

Writing as early as May 1783, Mrs. Howley, who was continuing the business of her dead husband, makes the curious statement, 'The desire that prevails among many of almost all ranks in this country for visiting America will no doubt occasion many applications from gentlemen to me for introductory letters to my friends.' A British subject, Bartholomew Burges, was ready to offer his services on behalf of an American inroad on the East Indian trade. An old protégé of Clive, he had found England 'destitute of cash and no track or opening for an enterprising genius'. He was, accordingly, willing to try his luck in India again. He could 'speak the Indostan language as well as English and work a ship in the Lascar tongue. Can likewise write, read and speak the French correctly, having learnt it from professors, and by a long residence in the country have acquired a local and competent knowledge of India in general.' An enthusiastic letter from L'Orient, in 1790, describes 'the effect of our late glorious revolution, operating on commerce as well as politicks'. As a contrast we have graphic descriptions of the black risings in Port au Prince. 'Nothing but destruction and murder in the politics of this colony. The negroes and mulattoes are killing all the white people whose habitations lay within their command.' Passages such as these or like one in an earlier letter describing 'cannon sky rackets and burn fires' over 'the late serender of Cornwallis and his army' throw welcome light on the political history. Similarly a letter from a loyalist sea captain to his employer, dated December 1779, brings home to us the way in which families and firms were divided: 'I am surprised to find you tarry among a people who by their own confession are strongly attached to the political laws and government of *Inferno*.' Enough has, perhaps, been said to show how grateful students of American history should be to the Massachusetts Historical Society for the publication of these volumes.

H. E. EGERTON.

The Political Writings of Rousseau. Edited, with introductions and notes, by C. E. VAUGHAN. 2 vols. (Cambridge: University Press, 1915.)

THE editor of these two large and finely-printed volumes defines his task as an attempt to accomplish three things: (1) 'to collect all the political writings of Rousseau in one body'; (2) 'to present a correct text of what he wrote'; (3) 'to define his place in the history of political thought'.

(1) Dr. Vaughan has included, besides the *Discours sur l'Inégalité*, the *Economie politique*, both versions of the *Contrat social*, the projected constitution for Corsica, and the remarks on the government of Poland, a considerable number of extracts from other works and from letters, the writings of Saint-Pierre as edited by Rousseau, Diderot's article on *Droit naturel*, and a great many fragments, of which *L'Etat de Guerre* is the most important, and some (described by the editor as occupying about 25 pages) have not appeared in print before. Evidently he is anxious to err, if at all,

by inclusion rather than exclusion. The difficulty presents itself that it is not easy to say what is and what is not a political writing. Dr. Vaughan himself urges that the second Discourse, which he includes, is inspired rather by a moral than by a political interest. If so, it is not quite clear on what logical principle he omits the first Discourse, which, whatever its intention, seems to have contributed a good deal towards the impression commonly formed as to Rousseau's whole position. But Dr. Vaughan may reasonably reply that he does not profess to include all the works which the student of Rousseau's political writings ought to read: that the Confessions, for instance, and great parts of the correspondence, throw light on the political writings, even when they contain no definite political allusion, and that to edit everything by Rousseau which may serve to throw light on his politics would be to edit practically the whole of his works. Even the inclusion of the extracts from *Émile* represents a concession for which we ought to be grateful. Among the smaller writings, there is probably not much omitted that many people would have wished to see included. If extracts were to be allowed, one might have wished for the striking passage on the historical method in the study of laws, given in the incomplete *Histoire de Genève* (published by Sandoz at Neuchâtel in 1861, p. 4), and for the account of Sparta in *Histoire de Lacédémone* (published by Jansen at Paris in 1882, p. 13), which is rather clearer than the corresponding passages given by Dr. Vaughan (i. 315-18). But these are unimportant details: none will quarrel with the selection as a whole. Nor is any one likely to doubt that, in spite of (perhaps we ought rather to say, in consequence of) all that has been written about Rousseau, the editing of his political works in such a way as to bring us back to the facts is a service well worth performing. A recent writer, who defends Rousseau's views against criticism, willingly gives up the *Paix perpétuelle* as being 'negligible nonsense'; he omits to point out that the work is not by Rousseau at all, and that Rousseau's criticism leaves nothing standing of Saint-Pierre's edifice except the general reflexion that perpetual peace would be desirable if it were practicable.

The fragments now published for the first time are a welcome feature. The editor gives a false impression of their nature, when he compares with the lack of interest which he anticipates for his discoveries the sensation which would be caused by 'a single new letter of Cicero'. It is doubtful whether even the most inveterate supporter of the classics has ever contended that all letters of Cicero are equally important or that there are not a good many of those extant which are of no special interest. If Dr. Vaughan wishes to compare his new fragments with anything by Cicero, he ought to imagine a letter which, without adding any important facts to our knowledge, throws light on his method of working or enables us to learn something of the literary alterations which he made at various stages. But discoveries of this kind, if they are made, are not likely to help us much, because we cannot hope to recover Cicero's rough notes and it is improbable that he allowed his writings to leave his hands until they had assumed something very like their final form. With Rousseau we are more fortunate, inasmuch as many of his preliminary memoranda and his first attempts have survived, and it is

evident that he was one of those authors who are given to remodelling their sentences and phraseology. Dr. Vaughan's additions to the collection help us to find out in many cases what Rousseau at one time intended to write, and they may be held to justify the editor's claim that they 'throw a significant light upon the gradual formation of his political theory'. Yet we have to be on our guard here. Rousseau must ultimately be judged by what he published. A discarded expression or sentence may no doubt contain a considered judgement which the author did wrong in subsequently abandoning; but it may also represent no more than a momentary error, a wandering of the mind, or possibly a strong statement of what is felt to be rather an objection to the writer's own view than an affirmation of it. Not only must we beware of accusing an author of inconsistency, when we possess his unfinished as well as his completed drafts; we must also be careful before we attach any significance to what he has himself rejected. Still any rejected notes have a biographical interest and often they have a substantial interest besides. Dr. Vaughan has no reason for supposing that his new fragments, though no single one of them may be of the first importance, will not be gratefully accepted and carefully studied. When we are concerned with an author whose style played so important a part in his influence as is the case with Rousseau, the history of his writings becomes proportionately important.

(2) It is evident that Dr. Vaughan has spared no time or trouble over the irksome and difficult task of providing a really good text. He admits the possibility that some errors may have escaped him, and it is certainly true that the value of such an edition as his can only be tested by frequent use and the continuous verification to which such frequent use gives rise. Yet it can hardly be doubted that he has made a great improvement even on the most careful of his predecessors, and no one who is fortunate enough to possess his edition, with the valuable literary history contained in the several introductions, is likely to use any other for the works which he includes. Sympathy must be expressed with him for the unfortunate accident which deprived him of the chance of consulting the recently discovered original manuscript of the *Gouvernement de Pologne*. His misfortune is the greater, as his introduction to this treatise shows his editorial skill and acuteness at its best. In spite of the collation already published, it is much to be hoped that Dr. Vaughan may still be able, in happier circumstances, to satisfy his curiosity in regard to the few passages about which he has doubts, by a visit to Cracow.

(3) It is, perhaps, hardly to be expected that Dr. Vaughan should give the same satisfaction to all his readers when he is considering Rousseau's place in political thought, as when he is editing the text. Work of the latter kind, if done with sufficient care, is final until new discoveries arrive: the affiliation of Rousseau's views to those of his predecessors, his influence on the public or on his successors, these are points on which final agreement is not likely. Dr. Vaughan writes pleasantly and clearly; he has a real enthusiasm for his author, together with an ability to criticize him which is not always found in combination with such enthusiasm: if he sometimes errs in the direction of expansion or repetition, that is at least a far more venial fault than the obscurity which arises from over-compression. No

one can read his general introduction without profit, and some of the introductions to the several treatises, which the index enables the reader to use in conjunction with it, add to it in various respects. His aim is to present a balanced judgement on Rousseau, and it would be useless either to summarize such a judgement or to do more than remark that it is based on scrupulous honesty and impartiality. But a writer on Rousseau, who attempts to treat him fairly, is under some difficulties. His readers will not approach the subject without preconceived views, as they might in the case of an estimate of Bodin or Rossaeus. They ought, perhaps, like a jury in a law court, to dismiss from their minds all that they have heard about Rousseau before; but they will not do so. It seems clear that Dr. Vaughan expects a strong prejudice in his readers, and that he believes the majority of them to be convinced that Rousseau was an individualist. Accordingly he devotes much energy to bringing out the elements of the opposite kind in Rousseau, and he produces a result which, though he neither denies that individualistic elements remain nor seeks to conceal them, shows Rousseau too one-sidedly as an opponent of individualism. It may be desirable to correct a prevalent one-sidedness in the other direction, but the estimate, if taken by itself and apart from such preconceptions as have to be corrected, would be weighted too much on the anti-individualistic side.

A few general remarks may be added on this part of Dr. Vaughan's work. It seems strange that the name of Ritchie should not appear in the bibliography or in the index. The reason cannot be a lack of sympathy with Ritchie's position: in fact, considering the influence which Ritchie's works have justly won, it may be doubted whether some correction of the excessive stress on Rousseau's individualism has not been effected for Dr. Vaughan by Ritchie already. Another unfortunate omission is the name of Dr. Figgis. There is no reason to quarrel with the remarks in which Dr. Vaughan discusses the relation of sectional societies to the state (i. 60) or with those in which he rejects the view that Rousseau was influenced by Althusius (ii. 6); but in these connexions one might have expected a reference to the writings of one who, both on some historical points connected with Rousseau and on the question of 'partial societies', has committed himself with force and independence to a different view. Dr. Vaughan is entitled to disagree with Dr. Figgis, but not to ignore him. We may doubt whether Dr. Vaughan has sufficiently worked out the possibilities of Aristotle's *Politics* as one of Rousseau's sources. It may be true that Rousseau had more intellectual affinity with Plato than with Aristotle, and one ought not to minimize the influence exerted on him by Montesquieu. Yet when we think of Rousseau's resolution to take men as they are and laws as they might be, recalling the conditions of the Aristotelian as against the Platonic ideal state, of his classification of governments, his condemnation of the hereditary principle wherever it occurs, his recognition that account must be taken of the particular circumstances of a given state before deciding what constitution fits it best—to name only some very obvious points—we are reminded of the *Politics* at once. Probably this subject would bear further investigation in detail, if, as seems to be the case, it has not

yet been dealt with exhaustively. In his references to the less obvious sources, Dr. Vaughan, though he admits that Rousseau read eagerly all that might be of use to him, is apt to remain rather near the surface. The questions involved are, no doubt, not easy ones. M. Dreyfus-Brisac evades them by citing in his notes, together with passages which may well have influenced Rousseau directly, many others which can hardly be more than general parallels, and makes no clear distinction between the two sets. We may agree with Dr. Vaughan that the important influences on Rousseau were exercised by those in the main line of political thought rather than by those who wandered into bypaths, and yet may feel that there is such a thing as the influence exercised by the general feeling of a time and only indirectly by particular authors. If Dr. Figgis is not using rhetorical exaggeration when he says that 'to understand Rousseau you must read Rossaeus',¹ many may feel that, for them, Rousseau will have to remain without being understood: but those who undertake to deal with Rousseau's intellectual ancestry have to take account of these remote possibilities.

Of Dr. Vaughan as an annotator, it need only be said that he is helpful whenever he commits himself to an opinion, but that he writes only too few notes and commits himself disappointingly little. Surely it is strange that he should consider himself unable to suggest who the 'celebrated author' is, who held human life to be on the whole rather an evil than a good, and so gave occasion for note *i* appended to the second Discourse. The choice is after all limited, as the author in question must be sufficiently well known to bear such an anonymous reference, and there is at least a probability in favour of his having been alive at the time. Many of us might be willing to hazard a guess; but the fact that so competent an editor as Dr. Vaughan will not decide the question should induce us to imitate his caution.

P. V. M. BENECKE.

Electoral Reform in England and Wales; the Development and Operation of the Parliamentary Franchise, 1832-85. By CHARLES SEYMOUR, M.A. (Cantab.), Ph.D., Assistant Professor of History in Yale College. (New Haven, Connecticut: Yale University Press, 1915.)

WITHIN the limits which Dr. Seymour laid down for his inquiry his book contains a thorough and able exposition of its subject, the progress towards democratic government made by acts regulating the extension and exercise of the parliamentary franchise so far as concerns England and Wales. While giving brief notices of bills which were not enacted, he examines at length the reform acts of 1832, 1867, and 1884-5, pointing out the character and effects of the changes each of them brought about, both in the franchise and in the relative value of votes in different constituencies, and he further shows how, in addition to these acts, others mitigated or removed hindrances to the free exercise of the franchise. All matters lying outside these limits he ruthlessly disregards. He seldom attempts any estimate of popular feeling, whether spontaneous or engineered, as manifested from time to time on the question of reform, nor does he exhibit the bearing the question had on the history of cabinets or parliamentary manoeuvres. Nor

¹ *From Gerson to Grotius*, p. 34.

when quoting the words of statesmen does he tell his readers anything about their authors, designating them abruptly as 'Althorp', 'Russell', or 'Lowe,' as though dealing with counters in a game rather than with individual men; and in one respect he certainly carries his reticence too far, for he does not note whether the speaker whose words he quotes was at the time holding ministerial office. With this exception his avoidance of all matter outside his defined limits is worthy of commendation, for it has enabled him in a single volume to treat his proper subject with the completeness that characterizes his work. His references to authorities are given in foot-notes, and it will be observed that he leans heavily, as indeed he was bound to do, on 'Hansard', a surer guide as to what politicians desired others to believe than as to matters of fact.

Dr. Seymour remarks that the extension of the ancient franchise in counties in 1832 was on the whole acceptable to the tories, for though they maintained that they lost by the inclusion of the non-occupying urban freeholders, that loss was more than made up to them by the enfranchisement of the £50 tenants, which, while destroying the importance of the small freeholders, vastly increased the influence of the large landowners, and in that way lessened in some small degree the loss they sustained by the extinction of the nomination boroughs. In the borough representation a new basis was introduced by the occupation franchise fixed at £10 yearly value, determined by assessment to the rates and conditioned by the actual payment of them. This qualification displeased both the tories and, in a lesser degree, the radicals. It added so largely to the constituencies that the tories saw in it the presage of democracy, the thin end of the wedge, and they further objected to it that it conferred political predominance on a single class, and that the class in which dissent was strongest. The artisans who had looked to reform as assuring the improvement of their condition saw their hopes end in the enfranchisement of many thousands of shopkeepers and the loss of power by the working classes, which, though the government gave way on the freeman franchise, lost by the disfranchisement of non-resident ancient rights voters and by the gradual extinction of most of those rights, while such voting power as was left them was swamped by the mass of the new £10 electors. Of not less importance than the franchise clauses was the redistribution of seats. The whigs, Dr. Seymour points out, sought to eliminate nomination rather than to adjust voting power to population, a radical principle which was abhorrent to them. In the total and partial disfranchisement of boroughs they practised some 'gerrymandering' in order to secure strongholds of their party, either by simply omitting a close whig borough from their schedules, or altering borough boundaries, or confusing parish and borough; but Dr. Seymour, while giving instances of trickery of this kind, considers that sufficient *prima facie* evidence does not exist for the charge of wholesale 'gerrymandering' brought against them at the time and repeated since: indeed the ministers, believing that enough was done to destroy the tory power, and fearful of the advance of democracy, left 'many bulwarks of aristocracy' unattacked. Contrary to their fears the tories did not lose—they even gained slightly—by the division of counties, but the disfranchisement of the rotten boroughs hit them hard and the newly

enfranchised towns 'became the mainstay of liberal strength'. Though its exercise was no longer so simple an affair as before the act, nomination was not destroyed by it, and landed property and capitalists' wealth competed for the control of elections during the next thirty years. The immediate effects of the act were less than was anticipated; and its chief importance was, as is remarked here, that both as regards electoral qualification and distribution, it broke into the old order and was the beginning of a series of changes.

Dr. Seymour next points out how the operation of the franchise was impaired both by the system of registration established by the act of 1832 and by corruption. The conditions of registration afforded opportunities for the manufacture of qualifications of which the free-trade agents took full advantage and for disqualifying opponents by frivolous objections, while the ratepaying requirements of the act were a constant cause of restriction of the suffrage, for though the act of 1851 enabled the compound occupiers to obtain registration, they were practically excluded until 1867. Corruption of various kinds, by bribery, direct and indirect, treating, and intimidation, became, in the opinion of Palmerston and others, more frequent after 1832. Rich men no longer able to purchase a borough obtained seats by purchasing votes, and intimidation was so rife that many electors regarded the franchise as 'less of a privilege than a danger'. While public opinion was indulgent towards these practices, constant efforts were made in parliament to put a stop to them. A complete history of these efforts is given here. It was not until the establishment of election auditors by the act of 1854 that a basis was laid for future effective legislation; corrupt practices were defined, but the machinery for detection and punishment was utterly inadequate. A great advance was made by Disraeli's transference of the hearing of petitions from the commons to the courts, and finally bribery and treating were rendered dangerous by the act of 1883, which Dr. Seymour ranks with the extension of the suffrage and the redistribution of seats in 1884-5 as a landmark in the progress of democracy. Meanwhile in 1872 a long series of ineffectual bills had been crowned by the ballot act, which he shrewdly observes has done much to prevent disorder, but if it made intimidation by landlords and employers wellnigh impossible, left an authority not less despotic to the agents of the caucus.

For twenty years after 1832 further reform was discouraged by the leaders of both parties in parliament, and all hopes of it were baffled by the mutual distrust of the reformers of the working and the middle classes. From Lord John Russell's bill of 1852 to 1860 an extension of the franchise was regarded as a question of the day by both liberals and conservatives, but a period of general apathy as regards it followed the defeat of Russell's bill of 1860, and it was not again agitated until after the death of Palmerston, who desired to keep things as they were. Gladstone's bill of 1866, though it would have enfranchised a large number of the working classes in the boroughs, would still, Dr. Seymour notes, have left the middle class in the majority even in them. A departure from the whig principle of drawing a line below which a portion of the working classes should be excluded, the basis of Gladstone's proposed £7 qualification, was made by Disraeli's 'leap in the dark'. His original proposals were not 'demo-

cratic except in name, but he gave up the safeguards which would have prevented a democratic suffrage and would have comforted the souls of his followers. The household borough franchise was a 'whole-hearted surrender of progressive toryism to the demands of the radicals'. Contrary to the general expectation, the conservatives gained by the new county franchise even in industrial divisions, for the £12 electors in non-represented towns feared the growing power of the radicals. The redistribution of seats displeased the radicals, who desired the equalization of the value of votes in different constituencies, and the tories because it was to some extent governed by the democratic principle of numbers. Dr. Seymour observes that the minority provision had the unlooked-for effect of developing party organizations, for in a three-seat division an elector with a vote for two candidates had to be directed so that he might use his vote to the best advantage of his party. There was no finality in the act, and 'its chief importance lay in what it promised for the future'. In two years the last restriction on household suffrage in the boroughs was removed by the abolition of the requirement of rate-payment by the householder himself, and the democratic suffrage in the boroughs ensured its future extension to the counties, for it increased the anomalous difference between the proportion of electors to population in counties and boroughs.

This expectation was fulfilled by Gladstone's bill of 1884. Its general results as given here were that the borough electorate was enlarged by about eleven per cent., chiefly by rearrangement of boundaries, and the county electorate was nearly tripled. Of the electors by far the largest number since 1884 have been qualified by the occupation of a house; the lodger franchise of 1867, from the first of small relative importance, has remained so except in London; the ancient rights voters are generally few, and the property franchises scarcely account for a fifth of the county electorate. No new qualification was introduced by the act, for the service franchise should be regarded merely as an assertion that a servant inhabiting his employer's tenement is a tenant. The bill was simple, for Gladstone refused to enlarge its scope by accepting amendments to prevent plural voting and admit female suffrage. So far as its provisions were concerned it met with little opposition, but a fierce battle was fought over the refusal of the government to deal with redistribution contemporaneously with the franchise. With the events of this struggle and its constitutional importance Dr. Seymour is not concerned. His examination of the redistribution of 1885 will be read with interest, especially what he says of the devices proposed for attaining an approach to proportional representation. The conservatives were satisfied by the division of constituencies into single-seat districts, by the increased representation assigned to large towns, and, more radical than the liberals, by the extent to which the act recognized the principle of adjusting representation to population. Attacks on some of the few remaining barriers against complete democratization, the ancient ownership and university franchises and the plural voter in all his forms, were ineffectual. Yet, in spite of undemocratic survivals, Dr. Seymour justly observes that the reforms effected from 1832 to 1885 have made England an electoral democracy, and he concludes his admirable history of them with some words of appreciation of the acquiescence of the upper

classes in changes which have robbed them of power. Their unselfishness and the trust they have displayed in their fellow countrymen have enabled England, he says, 'to undergo gradually an inevitable political and social transformation, which otherwise could not have been secured without the shock of revolution'. His volume ends with a bibliographical note, which might with advantage have included memoirs of statesmen, and a series of useful appendices illustrating the effects of the reform acts on borough and county representation.

W. HUNT.

The Place-names of Herefordshire: their Origin and Development. By the
REV. A. T. BANNISTER, Canon Residentiary of Hereford Cathedral.
(Printed for the Author, 1916.)

CANON BANNISTER frankly confesses that he has not the linguistic scholarship needed for the etymological investigation of either the English or the Welsh place-names of Herefordshire. He claims to have furnished a dated collection of 'practically all' the early documentary forms of the names, and it is evident that he regards this as the really important part of his work. A slip attached to the title-page states that the profits of the book will be given to the Hereford branch of the Red Cross Society. From certain indications in the preface, it would seem that the collection of early forms was originally undertaken merely with the view of providing material that might be useful to students of local history, and that when the author (from a commendable motive) determined to publish this material in a volume, the etymological interpretations were added for the sake of completeness. Very many of the names are left without any attempt at explanation. Where the author has given etymologies, he has been chiefly guided by such suggestions as he could find in various recent books on the place-names of English counties and in the notes to Dr. Henry Owen's edition of Owen's *Pembrokeshire*; with the Welsh names he has also had the assistance of a Welsh-speaking friend. As was to be expected, the etymological part of the book is of little value. The names that are correctly explained are chiefly those which are intelligible as modern Welsh, together with a few of the older names which in their early forms require no philological knowledge for their interpretation. It is true, however, that the extant documentary evidence for the original forms of Herefordshire names is mostly of poor quality, so that even where Mr. Bannister's suggestions are certainly wrong it is often impossible to substitute anything that is unquestionably right. It seems, therefore, not worth while to offer much criticism of details, especially as the author makes no pretence of expert knowledge. I will, however, remark on one or two points that may perhaps be of interest to others than philologists.

For the name Vowchurch Mr. Bannister suggests, as alternative explanations, 'church of St. Faith' and 'church of the vow'. I think there is little room for doubt that the first element is the Middle English *vow* or *fow*, Old English *fāg*, parti-coloured. The name is thus identical with the Scottish Falkirk, originally Fawkirk, the 'Varia Capella' of Latin documents. The original church at these places was presumably built of stone of more than one colour. The same adjective occurs, probably with

reference to the appearance of the soil or rocks, in two other Herefordshire place-names. One of these, Vowmynd, is no longer to be found on the map, having been superseded as the official name by the Welsh *Mynydd Brith*, 'parti-coloured mountain'. The Welsh name is evidently a translation of the English one, but (although Mr. Bannister has not found it in any earlier record than the Ordnance Map of 1831) it must be of some antiquity, as the word *vow* was still understood when it originated. Mr. Bannister erroneously thinks that *Brith* represents '*frith*, a wood', and says that he 'cannot explain the change of name between 1786 and 1831'. The probable explanation is that the two names had been long in use among the Welsh and the English part of the population respectively, and that the surveyors, as in some other instances, thought the Welsh name entitled to preference. The name Fownhope seems to represent the Old English *æt fagan hope*, the particoloured valley.

The name Dicks appears in the Ordnance Map of 1831 as *Ty Dic*, which Mr. Bannister explains as 'Welsh *ty dych*, house of sighs'. The Welsh name is, I think, a translation of the English name, and means simply 'the house of Dick'. It is always well to be suspicious of poetical-sounding interpretations of place-names. Mr. Bannister thinks that in *Sarnesfield* 'the first element seems to be O.E. *sārnes*, sorrow, which would give "field of sorrow" as the meaning'. Apart from the unlikelihood of such a meaning for a place-name, the suggestion is on linguistic grounds quite impossible. The name *Turnaston* cannot be 'another form of *Thornton*'. The spelling with *Th* in early documents has probably no phonetic significance. Possibly the place may have been named from an owner with the cognomen *Le Turneis* = *Turonensis*.

Mr. Bannister's collection of early forms, even though it may not be quite so nearly exhaustive as he supposes, is certainly valuable. He is learned in the history of his county, and has been able to establish from the evidence of records the actual origin of several names that arose in the thirteenth and fourteenth centuries. When a place-name has appended to it the name of a family of former possessors, he seldom fails to supply the needed historical elucidation. The introduction contains, with one or two trivial errors on philological points, some very interesting information on the history of the English settlements in what was originally Wales, and of various Welsh immigrations into the anglicized portions of the county.

HENRY BRADLEY.

Short Notices

THE magazine bearing the succinct title of *History*, which has for the last four years aimed at keeping teachers and students abreast of the main results of recent historical work, has now entered upon a new stage and appears as 'The Quarterly Journal of the Historical Association' (New series, no. 1, April. London: Macmillan). It is edited by Professor A. F. Pollard with the assistance of a strong editorial staff, is well printed, and has the great merit of being published at a cheap price. We are heartily glad that it should have gained this access of support, which promises for it a successful and, we hope, a long career, all the more because it deals specially with matters of interest to many historical students which have necessarily to be excluded from the province of this Review. Our readers who wish to make themselves acquainted with current questions about the place which the subject should take in the schools and with other problems concerning its teaching, will be wise to subscribe to *History*. The articles in it are marked by conspicuous ability—Mr. Pollard's powerful advocacy of the humane studies deserves particular attention—and it contains excellent reviews and a very useful classified list of recent publications. P.

Professor Léon van der Essen wrote his *Short History of Belgium* (Chicago: University Press, 1916) at the suggestion of the authorities of the university of Chicago, basing it upon a course of lectures which he delivered last year. The author, who is Professor of History at Louvain, has sought 'simply to give an account of the past history of the Belgian people, leaving entirely out of consideration their present deeds and sufferings'. From this, he thinks, his readers will be able to understand much more clearly than before why the Belgian nation of to-day took the stand it has taken in the great war and preferred honour in place of dishonour, and struggle for freedom in place of ease. It is only a brief sketch which M. van der Essen can give in less than 170 pages, but in this brief compass he brings out clearly the reasons why the history of Belgium does not date merely from the creation of the modern kingdom. He shows how its real unity rests on a genuine national culture, a desire for freedom, a jealous regard for popular rights, and a deeply religious spirit. It is, of course, true that in the feudal period Belgium had no political unity. There were grave differences of race and language. But in a border land between greater states, such differences are of less weight than a common, social, economic, and religious life. Such a common life was favoured by the same geographical conditions which made Belgium a meeting-plate of the

nations. M. van der Essen shows why, in this little territory, ecclesiastical influence was strong, why it was a favourable ground for the growth of civic freedom, and what were the influences which made the converging elements of German and French civilization unite to form the foundation of a distinctive culture. We are so accustomed to write of the Spanish or Austrian Netherlands, that we are apt to forget that the long period of foreign rule concealed, and indeed in part rested on, the existence of a genuine national feeling. In this we get an explanation of why Belgium could not acquiesce in union with Holland, and of why after only seventy years of independent existence she could so approve herself in the crisis which befell her two years ago. It is well to have this brought out so clearly in a manner easy for all to understand. Belgium's past shows that she may suffer, but that her national spirit cannot be crushed or absorbed by any of her greater neighbours.

C. L. K.

In 'Aigues-Mortes au XIII^e siècle' (*Annales du Midi*, xxvi, 313-48, 1914) M. Jean Morize makes it clear how that first port of the French monarchy in the Mediterranean owed its existence to its harbour, easily accessible at the meeting-place of several lines of inland-water communication and well protected from the sea. The planning and the administration of the town were systematically undertaken from the first. The first defensive work was the magnificent and still abiding *Tour Constance*, begun certainly by 1246, and finished before 1249. The fortified *enceinte*, often attributed to Philip III, was undertaken by St. Louis himself about 1268-9, and entrusted to the Genoese Guglielmo Boccanera, with whom Philip renewed his father's contract, but in 1275 Boccanera's widow threw up the obligation, and the work was not finished until the end of the century. The ephemeral prosperity—largely due to the Genoese—the artificial character, the early decline of the port, which was in effect the 'miracle of the crusade' of St. Louis, are adequately sketched in an interesting manner.

T. F. T.

In *Froissart and the English Chronicle Play* (New York: Columbia University Press, 1915) Dr. R. M. Smith aims mainly at a contribution to comparative literature by emphasizing the extent to which Lord Berners's translation of Froissart's chronicles inspired certain Elizabethan playwrights with the motives and even the details of their historical dramas. He gives solid reasons for his view, notably as regards the 'Story of Edward III', two early plays on Richard II, one on Jack Straw, and also on Daniel's civil wars, whence a few Froissart details got into Shakespeare's Richard II. Dr. Smith prefaces his essay by an account of 'Froissart in England before the Chronicle Play'. In this he only aims at putting together known facts, but he has managed to spice them with an occasional dash of error. Dr. Smith's point of view is that of the Elizabethan, as is curiously shown in his setting down only Tudor historians in a list of 'English chronicles for the reigns of Edward III and Richard II'. We note too, statements that Fabian 'was the first English historian to offer something more elaborate and literary than the dull records of preceding writers', that Thomas

Walsingham (of all people!) had 'no need of sources', that the Latin chronicles were written 'for the most part by monks', that 'none of the crude attempts at chronicling in the thirteenth or fourteenth centuries can bear comparison with the distinguished history' of Froissart. Froissart's Valenciennes was then a town in the 'Belgian province of Hainault', and also a 'grand ville'. Yet Froissart was a 'Fleming' (p. 11). Théroutanne is written 'Tourenne' (p. 15). We may set it down to the printer that Chandos Herald's *Black Prince* was written in 'about 1835' instead of 'about 1385'. It is certain that Froissart copied Chandos Herald, especially as regards the campaign of Nájera. T. F. T.

The Chetham Society has done well to undertake the publication of the second volume of the *Coucher Book of Furness Abbey* (Brit. Mus., Add. MS. 33,244), the first part of which, edited by Mr. John Brownbill, appears as vol. 74 of the publications of the Chetham Society, new series (1915). The companion volume is in the Public Record Office (Duchy of Lancaster Misc. Books, vol. 3) and was printed for the same society in 1886-8. This one, after being in private possession since the first half of the eighteenth century, passed as one of the duke of Hamilton's MSS. in 1882 to Berlin, but was bought back five years later by the trustees of the British Museum. The cost of transcribing and publishing it has been borne by Dr. William Farrer. Like its companion volume, it is the work of John Stell, monk of Furness, and was executed by him in 1412. This part contains the table of contents of the whole volume and the Lancashire and Westmorland charters, the charters relating to places in Cumberland, Yorkshire, and Lincolnshire being reserved for the second part. The editor has, very properly, made use of the original charters where these are still extant among the Duchy of Lancaster Ancient Deeds or elsewhere, and has thus been able in many cases to supply in full the lists of witnesses which are curtailed in the chartulary, and he has also included certain ancient deeds, principally relating to Heysham, found among the records of the duchy of Lancaster but not contained in the chartulary. The deeds have all been approximately dated, a practice that might be followed with advantage by all editors of chartularies: the bulk of them belong to the thirteenth century and are of not more than local interest, but exception must be made in favour of the Lancaster deeds: on pp. 198-9 there are interesting quit-claims of a tenement made simultaneously in the 'burmansmote' of Lancaster and the abbot's court or wapentake of Dalton. A feature of the volume is its heraldic drawings: the heraldry is, of course, of the early fifteenth century, but is none the less of value, and the coats of arms might, with advantage, be separately indexed in the second part of the publication.

H. H. E. C.

Attention may be called to the 'Contributions to the History of European Travel' which Mr. Malcolm Letts has put together, chiefly from manuscripts in the British Museum and elsewhere, and printed in the pages of *Notes and Queries*. The journals used are those (1) of the chaplain of Piero Contarini, Venetian ambassador to England, 1617-18 (from

Rawdon Brown's MS. translation of the Italian, now at the Public Record Office),—published in the number for 22 January ; (2) of Sir George (afterwards Viscount) Chaworth, going to the Netherlands in 1621 (this had been already printed from the Losely MS. in 1836),—5 February ; (3) of Lady Catherine Whetenall, from Brussels to Italy, in 1649–50 (from the Add. MS. 4217),—19 February ; (4) of Bartholomäus Khevenhüller, in Europe and the East, 1555–62 (from Czerwenka's work published in 1867),—4 March ; (5) of F. Mortoft, in France and Italy, in 1658–9 (from the Sloane MS. 2142),—18 March ; (6) of Richard Chiswell, in Holland, Germany, and Italy, in 1697 (from the Add. MS. 10623),—1 April ; and (7) of Johann David Wunderer in Germany, Poland, and Scandinavia (published in 1812),—15 April. Q.

Shivaji the Maráthá, his Life and Times, by Mr. H. G. Rawlinson (Oxford: Clarendon Press, 1915), deals with undoubtedly the greatest figure that has appeared amongst the Hindu princes of India since the connexion of Europeans with that country began to assume definite importance. The historian, Robert Orme, composed and printed a short *History of Sevagi*, which is to be found in the Orme Collection in the India Office Library, but which, probably, was never actually published. He concludes as follows :

Whensoever we shall obtain a history of his life written in his own country, he will doubtless appear to have possessed the highest resources of stratagem joined to undaunted courage, which, although equal to the encounter of any danger, always preferred to surmount it by circumvention, which if impracticable no arm exceeded his in open daring.

Orme felt instinctively that no foreigner could be in a position to obtain an all-round view of such a many-sided character. To form an adequate conception of this one needs to understand both the impression which Sivāji (for so the name is spelled in the *Imperial Gazetteer of India*) produced upon his contemporaries and the influence of his achievements upon succeeding generations of his countrymen. To the Muhammadans of his time he was, at first, an object of indignation and contempt, which speedily changed into terror and hatred ; to the Hindus, at first an object of astonishment, he quickly became the subject of passionate pride and adoration which have lasted undiminished up to the present day. To write an impartial biography of such a man is impossible, nor can any biographer of Sivāji ever hope to find an impartial public. What is possible is the task of the annalist, namely a record of the events and occurrences in which Sivāji was concerned. Considered from this point of view, Mr. Rawlinson's little book will be welcomed by general readers interested in the history of India, as a clear account of the hero's life and times. While making every allowance for the difficulty of his task, it is to be regretted that the author should, now and then, permit himself such carelessness of expression as ' a double line of fortifications surrounded the hill-top in two concentric rings with bastions at the corners ' (p. 48). Sometimes this habit leads to unguarded statements, of which there is a deplorable instance on p. 52. It is very awkward also (see pp. 63, 64) to begin a sentence with ' It is described by Fryer ' when the pronoun refers to a substantive separated from it by no less than four sentences. S. C. H.

The title of *Keigwin's Rebellion*, by Ray and Oliver Strachey (*Oxford Historical and Literary Studies*, vol. vi. Oxford: Clarendon Press, 1916), scarcely covers the full scope of the volume, which, after a preliminary chapter on the history of the English in Western India from 1660 to 1675, proceeds to give a fairly detailed account of events in that presidency during the next ten years. Of course, the revolt of the Bombay garrison under its commandant, Richard Keigwin, is fully described; but a considerable amount of attention is given to the relations between the English and the Moguls and the Marathas, to the contests between the East India Company and the 'interlopers' of the period, and especially to the early career of President John Child and the policy adopted by him under pressure from his masterful namesake at home, Sir Josia Child. One of the discoveries made by the authors during their researches was that, contrary to the received opinion, the two Childs were not brothers, and probably were not related in any way. Based as it is upon a careful examination of the manuscript records in the India Office and elsewhere, the work is a valuable contribution to the early history of Bombay. It is written in a racy and vigorous style, and the facts are presented in so interesting a manner that the reader's only regret will be that Mr. and Mrs. Strachey did not bring their record down to the death of Sir John Child. As regards the rebellion at Bombay, it is somewhat surprising that no allusion is made to the similar outbreak at Madras eighteen years earlier, the history of which no doubt encouraged the Bombay mutineers. Some mention might also have been made of the seals which Keigwin manufactured to serve as 'His Majesties Union Seale'; impressions of these, slightly differing, will be found among the India Office records (O. C. 5039, 5077). The authors have omitted to state where they found the two views which they give of Bombay 'c. 1720'. As a matter of fact, these appeared originally in Baldaeus's *Naauwkeurige Beschryvinge van Malabar en Choromandel*, published at Amsterdam in 1672; and not only therefore are they much earlier than is stated in the present work, but the one taken from the sea cannot, as alleged, show St. Thomas's bastion completed, since that was not finished until after 1672. The index might with advantage have been fuller.

W. F.

The papers contained in the *Calendar of State Papers, Domestic, 1679-80*, edited by Mr. F. H. Blackburne Daniell (London: H. M. Stationery Office, 1915), are very miscellaneous and many have no real claim to be described as state papers. Sir Joseph Williamson's notes on the proceedings of the privy council and its committees are of some political value. Unluckily he resigned in February 1679, so that this source of information comes to an end. Other events of the year 1679 were the fall of Danby and the dismissal of Monmouth from all his offices; there is an interesting letter from the former requesting Lord Conway to come to London to oppose the bill of attainder projected against him (p. 110). The volume includes an exceptionally large number of papers relating to Scotland, of which many deal with the rising of the whigs in 1679. The state of Ireland is described at length in two papers, which discuss the measures to be taken for defending the country against a French invasion or a nationalist rising (pp. 353-61). There are also a large number of newsletters,

many from the Greenwich Hospital collection, and many private letters from the Conway papers. The history of Lord Conway's second marriage is set forth at length, and the reasons which led him to reject various candidates for his hand are explained. Amongst the miscellaneous papers may be noted many relating to elections (pp. 221, 224, 234, 246), an account of the state of the Oxford University Press in 1680 (p. 369), a letter about the growth of conventicles in Devonshire (p. 499), and a letter of the earl of Essex against the increase of the king's guards (p. 201). One of the newsletters records the last words of Hobbes: 'Last Thursday the famous Mr. Hobbes of Malmesbury died at the earl of Devonshire's house at Hardwick, much in the same humour as he lived, his last words being said to be that he waited for the coming of the carrier, Death, and that he had been four score and twelve years in looking for a hole to go out of the world' (p. 308). Mr. Daniell calendars four letters from Robert Ferguson to his wife; others of the series, including some of the same period, are printed at length in Mr. James Ferguson's *Robert Ferguson, the Plotter*, 1887.

C. H. F.

The interest of Dr. Paget Toynbee's two new volumes of the *Correspondence of Gray, Walpole, West, and Ashton, 1734-71* (Oxford: Clarendon Press, 1915), belongs too much to literary biography to allow of more than a brief mention here. Of the 111 letters printed for the first time nearly all are derived from a hitherto untouched source, the Waller collection at Woodcote, Warwick. Many of the early letters, which the editor considers the most attractive in this find, have too much the air of conscious exercises of clever young men's wits to be quite pleasing. But some of Gray's from Cambridge have real value to students of university life in the eighteenth century. Number 2, for example, for all its humorous exaggeration, contains many of those elusive details which are often so hard to recover with any precision. Of the letters of the time of Gray's journey to France and Italy with Walpole in 1739-41 only one or two from Richard West are fresh. But after a break in the correspondence here published of nearly four years a series of letters of Gray and Walpole begin, of which 61 come from the Waller collection. The first is dated in 1746, shortly after the reconciliation of the two friends, and the last in March 1771, four months before the death of Gray. Of these, though some few are mere notes, many are of great interest in filling up the gaps in our previous knowledge at a period when letters from these correspondents hitherto available are singularly rare. Dr. Toynbee has supported his new matter with the well-known related letters, the whole making a book for which his readers cannot fail to be grateful. The volumes are produced not only with almost too elaborate charms of type and paper, but also with solid excellences in the way of indexes and other scholarly appendages. The editor is perhaps over-generous in biographical notes.

R.

Volume iii of Dr. A. G. Doughty's edition of *The Journal of Captain John Knox* (Toronto, The Champlain Society, 1916) consists of an appendix containing numerous documents illustrative of the history. Among

the more important are Amherst's Journals, 1758-60; the private Diary kept by Sir William Johnson at Niagara and Oswego in 1759; and Murray's Journal, 18 May to 17 September 1760. With this Journal is found Wolfe's last address to his troops on the Heights of Abraham. It is certain that no historian has ever been more familiar with his subject than is the Dominion archivist with everything connected with the siege of Quebec. Accordingly, as respects appearance, maps, and illustrative material, this work represents the high-water mark of editorial efficiency. H. E. E.

The Library of Congress has published in four volumes the second series of the Calendars of the Washington Manuscripts—*Calendar of the Correspondence of George Washington, Commander-in-chief of the Continental Army, with the Officers* (Washington, 1915). It covers the correspondence not only with the military and naval officers of every rank of continental and state troops, but also with the French auxiliaries, foreign ministers and agents, and officers in the British Service. The amount of material dealt with can be gathered from the fact that the mere list of the letters, with the briefest possible description of them, occupies three large volumes and 2,460 pages. The index alone, to which the fourth volume is allotted, consists of more than 400 pages. H. E. E.

In *La Victoire en l'An II* (Paris: Alcan, 1916), M. Albert Mathiez gives a short sketch of the rise of the French citizen army, from its beginnings in July 1789 to the triumphs of 1794. M. Mathiez has made use of the larger works by MM. Latreille and Poisson, also of monographs by MM. Poulet, Violla, &c. on the volunteers of various departments. The defects of the old royal army are briefly noted, though the improvements due to Guibert and other thinkers and organizers are not sufficiently pointed out. The rôle of the volunteers at Valmy is unduly exalted; and no mention is made of the facts that among Kellermann's troops who bore the brunt of the Prussian attack, eleven out of the thirteen battalions were of the old royal army, and that the French artillery, which did so much to beat off the attack, was also drawn from the old army. Considering that only two battalions of volunteers were under fire at Valmy, it is misleading to cite that battle as a proof that young troops can stand against veterans. In fact, the present volume must be classed mainly as a patriotic effort in praise of the French Jacobins and in dispraise of the old monarchy. Louis XVI figures as a traitor throughout (no mention being made of his efforts of September-November 1791 to work the constitution), and England, Holland, and Spain are referred to as *attacking* France in 1793. The volume would have gained in balance by a citation of some of the evidence adduced by Camille Rousset (*Les Volontaires, 1791-4*, Paris, 1870) which convicted the early volunteers of many cases of gross incapacity and even of cowardice early in the war of 1792-3. A report of 24 April 1793 to the Committee of Public Safety proved that at Angers 4,000 National Guards, sent against the Vendéans, fled *à toutes jambes* on the news that a band of them was near. Rousset's book quotes many similar cases taken from the Archives de la Guerre; and no later work ought to disregard this first-hand evidence. It is also more than doubtful whether M. Mathiez is justified in calling

(p. 220) the dictatorship of the Committee of Public Safety *une dictature librement consentie*, exercised only on the army and the diplomatic service. If so, how shall we explain the prolongation of the Terror far beyond the time of the national crisis? And how defend the insensate decree of 22 February 1794, ordering every general in command to send in every day a succinct account of the position of his force? There are good chapters on the organization of the new forces, on the tactics of Carnot, and on the women who served as soldiers.

J. H. RE.

The Education of the Negro prior to 1861, by Mr. Carter Godwin Woodson (New York: Putnam, 1915), shows that the position of the negro in respect of education deteriorated after the first quarter of the nineteenth century and until the Civil War. In the seventeenth and eighteenth centuries Christian principles and human sympathies had freer play, and a fair proportion of the coloured population acquired some education. But when cotton-growing expanded in the South after the industrial revolution in England, and experience showed that education tended to spread amongst the negroes a spirit of discontent with slavery and even of insurrection against it, the Southern legislatures turned definitely to discourage and prevent their education. The author estimates that in 1860 about 10 per cent. of adult negroes, bond and free, had some education, and that the proportion was then much less than it had been in 1825.

E. A. B.

An Introduction to the History of Connecticut as a Manufacturing State, by Miss Grace Pierpont Fuller (*Smith College Studies in History*, Northampton, Massachusetts, 1915), gives some interesting information on the beginnings of the manufacturing industries in Connecticut. The author surveys carefully the position of Connecticut's industries in 1818, and shows that it is easy to exaggerate the influence of the embargo and the war with England on the rise of American industry. She shows, too, that, even in 1845, Connecticut was not a manufacturing state, and that the changes which have given it its industrial prominence did not take place until after 1870.

E. A. B.

The Illinois Whigs before 1846, by Dr. Charles Manfred Thompson (published by the university of Illinois, Urbana, 1915), is a study of the principal aspects of the origin and development of the whig party in Illinois. Local rather than national questions—internal improvements, state debts, and the state banking system—divided parties in the early years of Illinois' history as a state, and it was not until the later thirties that two distinct political parties appeared. The first whig state convention was held in 1839, and the party reached its greatest strength in Illinois in the campaign of 1840, though it failed to carry the state. In the years that followed, local issues, in which sectional interests were the most powerful consideration, weakened the ties of party, and in the presidential election of 1844 the whigs were decisively beaten. The author purposely defers all consideration of the slavery question to a more complete study of his subject.

E. A. B.

Mr. R. G. Caldwell has written an exhaustive monograph on *The Lopez Expeditions to Cuba, 1848-51* (Princeton: University Press, 1915). The preliminary chapters on 'Political and Economic Conditions in Cuba in 1850', 'Public Opinion in Cuba', and the 'American Attitude towards Cuba' are, perhaps, of greater value than the account of the various unsuccessful expeditions of the Venezuelan adventurer, Narciso Lopez. So far as a moral can be drawn from the issue of these expeditions, it is that, while the Cuban people had little love for their Spanish rulers, who ruthlessly exploited them in the interests of the mother country, they had little desire to exchange the devil of Spanish tyranny for the deep sea of American annexation.

H. E. E.

Lincoln and Episodes of the Civil War (New York: Putnam, 1915) is the work of Mr. William E. Doster, late brevet brigadier-general U.S.V., who was provost-marshal in Washington for about a year (1862-3). In this position he had many interesting experiences and was brought much in contact with the war secretary, Stanton. Whilst admitting his 'grievous faults of manner' he maintains that 'they were inseparable from the order of ability he possessed and which was absolutely indispensable at the time'. This favourable judgement is at least partly due to his prejudice, shared by the secretary, against West Point traditions, and he denounces McClellan as a type of the West Point mathematician. Later in 1863 he commanded a cavalry regiment in the Chancellorsville and Gettysburg campaigns. But his journal fails to throw fresh light on those operations. Perhaps the most important chapter in the book is the last, which deals with the great conspiracy trial which followed Lincoln's assassination, when he defended Payne and Atzerodt.

W. B. W.

Students of Japanese history—more especially those who are interested in the modern development of Japan—will welcome the publication by the Asiatic Society of Japan, in the volumes of its *Transactions* for 1914, of *Japanese Government Documents*, edited with an introduction by Dr. W. W. McLaren. They cover the critical period of 1867-89, during which the work of administrative reconstruction, not by any means yet at an end, was being carried on with a rapidity which astonished the world. For purposes of reference this collection of decrees, memorials, laws, and regulations, embracing the whole sphere of official activity, will be very useful. As the editor is careful to explain, the main portion of the contents of this book is not new, most of the translations having appeared previously in other forms. The introduction is brightly written. Two or three points, however, seem to call for criticism. In condemning the Shogun as a usurper the editor follows too closely the partisan views of the Japanese imperialists; while in the account of the earlier reforms of the Meiji era sufficient emphasis is not laid on the difficulties encountered by the new government in evolving order out of chaos. The statement, moreover, that in 1887 negotiations for treaty revision were opened and quickly brought to a stage where only the signatures of the contracting parties were necessary is a travesty of the facts. Negotiations were formally opened at a preliminary conference in 1882. This was followed

by a second conference, lasting from May 1886 to June 1887, which produced no definite result. And it was only after further long negotiations that the first revised treaty was signed with Great Britain in London in 1894. This, and treaties concluded subsequently with other powers, came into force in 1899.

J. H. G.

Undercurrents in American Politics, by President A. T. Hadley (New Haven: Yale University Press, 1915), contains the Barbour-Page Lectures delivered at the University of Virginia and three lectures delivered at Oxford in connexion with a recently established lectureship on the History and Institutions of the United States of America, both in the spring of 1914. The six lectures form a connected and very interesting study of the inner working of American politics. The Oxford lectures were not, as is stated on the title-page and in the preface of this volume, the Ford Lectures—the Ford Lectureship is in English History—and it is strange that the Oxford University Press, by which the book is issued in England, should have overlooked this mistake.

E. A. B.

Renaissance, Protestant Revolution, and Catholic Reformation in Continental Europe, by Mr. Edward Maslin Hulme, Professor of History in the University of Idaho (London: Allen & Unwin, 1915), and *The Revolutionary Period in Europe (1763-1815)*, by Mr. Henry Eldridge Bourne, Professor of History in Western Reserve University (London: Bell, 1915), are two volumes so closely resembling one another in details of form as to suggest that they must have originally been designed as parts of a general history of modern Europe. Professor Hulme's is stated to have been printed in the United States of America, and while we find no such announcement in Professor Bourne's volume, it is the copyright of the Century Company. There is, however, no other indication of a common design; the covers are in different colours, and the publishers are different; but the only difference of plan seems to be that Professor Bourne provides a serviceable bibliography of fifteen closely printed pages, while Professor Hulme gives no reference to authorities at all. Both volumes are clearly intended primarily for the use of historical students in American universities, and they may be found useful by English students who feel the need of something a little lighter than the *Cambridge Modern History* and a little more satisfying than the volumes in Rivington's series.

Professor Hulme's book is more of a *Kulturgeschichte* than Professor Bourne's, but that is a difference due to the period with which he is dealing. Religion inevitably occupies a larger, and war a smaller, space in a history of Europe during the fifteenth and sixteenth centuries than in one of the French Revolutionary and Napoleonic period; and the titles of Professor Hulme's chapters on the Renaissance indicate his treatment of history. They deal with the revival 'of the nation', 'of the individual', 'of literature', 'of art', 'of science', 'of conscience', and with the 'age of discovery'. Political events are relegated to the background, and narrative gives place to analysis. The attempt to deal with the many men who contributed to these different revivals renders the volume liable to the reproach which lies against most histories of literature of being catalogues more or

less *raisonnés*. The exclusion of England from 'continental' Europe seems to Englishmen, at any rate, somewhat arbitrary; and American students would do well to supplement, if not to correct, Professor Hulme's volume by reference to Professor A. O. Meyer's recently translated *England and the Catholic Church*.

Professor Bourne does not limit Europe by the qualification 'continental', and indeed it would have been difficult to write of the Napoleonic era without giving England more space on his canvas than Professor Hulme has been able to afford, quite apart from the fact that he seeks to place the struggle in perspective by surveying the principles of government, the currents of public opinion, and the industrial revolution, in all of which England occupied a leading position. But his volume, too, is a study rather than a narrative, at any rate until he comes to Napoleon's campaigns. It is a businesslike epitome somewhat easier to follow than Professor Hulme's, partly because the individuality, over which Professor Hulme rejoices, *reducitur in unum Napoleonem*. A. F. P.

A useful addition to the growing list of studies in economics and political science published in connexion with the London School of Economics is *The Lands of the Scottish Kings in England* (London: Allen & Unwin, 1915), by Miss Margaret F. Moore, M.A., Carnegie Fellow of the University of Edinburgh. The English historical student will probably be most grateful for the preliminary chapter, which traces the political history of the Scottish royal fiefs in England from their acquisition down to their final confiscation by the English kings in the fourteenth century. This part of the subject might with advantage have been treated more fully, for the subject has been much neglected by English historians, and Miss Moore is far from exhausting it. She has limited her study to the three fiefs, the Honours of Huntingdon and Penrith and the Liberty of Tyndale, which remained for 150 years or more in the possession of the Scottish kings. Their temporary tenure of Cumberland and Northumberland is only briefly noted; there is no explanation of David I's occupation of the Honour of Lancaster, though its cession to Ranulf of Chester in 1149 in exchange for Carlisle is mentioned; and the tenure for a while by the Scottish crown of the fief of Hallamshire is altogether ignored. The subject in fact was worthy of more attention than was allowed by the plan of the book, in which it is a mere introduction to chapters on the feudal history, the manorial franchises and economy, the state of society, &c., of the three fiefs. These are too widely separated, also, and not well enough provided with local documents, to form a really good framework for an economic study of medieval rural conditions. Miss Moore has, however, collected a great variety of information about them from a wide range of sources, and in an appendix gives a valuable analysis of three accounts of the manor of Market Overton in Rutland between 1344 and 1370. This part of the book would have been much more useful if an index had been provided. J. T.

Among the contents of the tenth volume of the *London Topographical Record* (London Topographical Society, 17 Baker Street, 1916) may be

mentioned as of remarkable value a collection of 'Historical Notes on Mediaeval London Houses' by Mr. C. L. Kingsford. They are arranged alphabetically, and the first half is included in the present volume. They form a mine of exact information for the history of London and Westminster, and of great personages who dwelt there, down to the time of Stow's *Survey*, 1603. We learn from them that the word 'Place' was used more commonly and earlier to serve not merely as the description but as the actual name of a nobleman's town house than would be gathered from the *Oxford English Dictionary*. On p. 44 Mr. Kingsford seems to define 'selds' as 'joint warehouses, containing a number of benches or stores'. This was sometimes its meaning, but the word often denotes even the smallest shop or booth, and one of his own entries shows it to mean also a stage or raised scaffold (p. 104). The descriptions of Baynard's Castle, the Coldharbour, and Chichester, Durham, and Ely Inns may be cited of more than local importance. A sequel to the account of Durham House is furnished by Mr. H. B. Wheatley, who reproduces a plan of the site made in 1626. The volume also comprises an interesting series of extracts from Luttrell's diary illustrating London history from 1678 to 1714, with useful notes and identifications, by Mr. W. L. Spiers. S.

Dr. Septimus Sutherland's *Old London's Spas, Baths, and Wells* (London: Bale and Danielsson, 1915) is a well-illustrated book of reference, which will be useful to students of memoirs, plays, and novels from the late seventeenth century to the early nineteenth. Of 'Spas' which had some vogue the author enumerates 33, giving an account of the period during which they flourished, the class which they attracted, and the amusements which eked out their small medicinal attractions. Dr. Sutherland's collections will certainly have their value for the history of chemistry and therapeutics. In addition to the spas of note, he is able to name an equal number which attained only to a slight importance; and he also gives a summary and necessarily incomplete list of wells and pumps in central London which served, sometimes till recent years, for domestic purposes. His account of the holy wells is very slight. But we cannot criticize for a lack of medieval erudition a scholar who has compiled so useful and entertaining an account of the Fountain of Health, the Peerless Pool, and many other places of former resort. T.

The second volume of the Rev. H. E. Salter's *Cartulary of the Hospital of St. John the Baptist* (Oxford Historical Society, 1915) is similar in every way to the volume previously noticed, and completes the series of deeds concerned with property in Oxford, dealing with the western and southern parts of the town and the deeds not assignable to any particular parish. It seems worth suggesting that the word which appears on p. 27 as 'Smicke' or 'Linke' may be a miswriting for 'Sink'. 'Turale' or 'Torale' is used in some Kentish inquisitions at the Public Record Office apparently for an 'Oast-house', which confirms Mr. Salter's interpretation. The volume includes (p. 400) one of the charters of 54 Henry III, of which the enrolment is missing. It is to be hoped that an attempt will some day be made to collect as many of these as possible as a supplement

to the 'Calendar of Charter Rolls'. An interesting diagram of the folding of a 'Writ Close' will be found on p. 410, and the reader who is a little tired of burgage tenements and the titles to them will find refreshment in the inventory of plate on p. 449 or in the relation of an early breach of promise case (p. 438), which cost the hospital one of its prospective members.

C. J.

In vol. xxiii of the *Yorkshire Archaeological Journal* (Leeds, 1914-15), Mr. W. G. Collingwood completes his valuable inventory of the Anglian and Anglo-Danish sculptured stones of Yorkshire. The sculptures of the North and East Ridings and of the city of York were described by him in vols. xix, xx, and xxi of the *Journal*, and he now treats of the West Riding, and concludes his article with a general review of the results obtained for the whole county. The fine Anglian crosses of Otley and Aldborough, the late and debased Anglian examples from Ilkley and Collingham, and the Anglo-Danish crosses of Leeds, as well as upwards of two hundred other stones of inferior workmanship, are here described and illustrated. In his final summary he classifies the various forms of pattern occurring in the Yorkshire series of monuments and the forms of the monuments themselves. He succeeds in establishing certain broad chronological data which will win general acceptance; an exact chronology is obviously impossible, but the succession of styles is clearly marked. Another paper of general interest is that by Canon J. T. Fowler on the fifteen signs preceding the Day of Judgement as illustrated in a window in All Saints' church at York, in a triptych at Oberwesel, and in medieval literature. In the department of Roman antiquities there is a good summary account by Mr. A. M. Woodward of a hoard of Constantinian coins found at Halifax, an article of inferior quality on Piercebridge, and a note by Professor Haverfield on Roman finds made at and near Slack. Mr. William Brown contributes a note on trial by combat. Finally advantage has been taken of the jubilee of the society to give a sketch of its history since its foundation in 1863: this has been provided by Mr. S. J. Chadwick, who appends to his paper a classified list of the articles which have appeared in the *Journal*: the utility of this list would have been greatly increased had references been given to the volumes in which the articles are to be found.

H. H. E. C.

L'Université de Louvain (Paris: Picard, 1915) comprises a series of six lectures delivered in February 1915 by M. Paul Delannoy, at the Collège de France. In its five hundred years of life the university of Louvain has suffered many grievous wrongs. Under Philip II of Spain, under Joseph II of Austria, and at the hands of the marshals of the French Revolution, it needed all its courage to go bravely forward as the champion of enlightened orthodoxy, and refuse to surrender its liberty in the cause of persecution or spurious official theology, or to bow the knee in the temple of the Supreme Being. Its last 'Rector magnificus' died a martyr in the island of Cayenne; and for a number of years the oldest university in the Netherlands was suspended. But through all these mis-

fortunes—not indeed aggravated, as now, by senseless destruction—the university has remained a centre of the highest national patriotism and a home of the scientific spirit within the limits marked out for it. Professor Delannoy's book is good to read, and must have been delightful to hear—lectures quite at their best, light and discursive, raising many topics but not continuing too long in one stay, drawn with a due proportion and not too closely upon a rigid argument. The author first deals with the foundation, the duke of Brabant co-operating with the pope; then with humanism, admitted by Adrian of Utrecht, patronized by the Busleidens, and fostered by Erasmus and his disciples, Barlandus, Vives, Goclenius, Clenardus, and many others. Louvain was a fair place in those days, as many extracts are cited to show; and despite his trouble with the theologians, Erasmus, before he went off to Basle in 1521, cast about for a nest in Louvain to which he might return when he wished. The theologians are traced first in their conflict with Luther and then repelling the more subtle errors of Jansenism. Afterwards we are given glimpses of university life at different epochs—Vesalius haunting places of execution and scratching the ground by night in quest of 'subjects'; Justus Lipsius overleaping hedges to escape soldiers, and lecturing *multa solennitate* before Albert and Isabella, famed for her raiment; students, the terror of the night streets, fighting valiantly in a university corps if the town was besieged, or, in times of peace, received with interminable processions in their native towns when they came out first in the 'promotions'. Then follows the century of trials under Austria and France, and the last lecture gives an account of the 'halles universitaires' and the library, which two years ago were among the glories of Belgium.

P. S. A.

An article by Miss Ellen Jørgensen, *Les Bibliothèques danoises au Moyen Age*, in the *Nordisk Tidskrift för Bok- och Biblioteksväsen*, 1915, is a good example of what may be done by research among the owners of books, both manuscript and printed. The authoress has examined with great patience all the books of Danish origin and ownership during her period that she could find at home or abroad. As she points out, such research is obviously incomplete; for of the books formerly in existence, only a portion now survive, and marks of ownership are by no means universal. But even so, as the fruit of her investigation, she is enabled to show the general characteristics of the libraries of medieval Denmark, in cathedrals and monasteries and universities, and in the hands of private persons, clerical or lay; and thus to throw light on the intellectual development of Denmark, and its connexion with western and southern Europe. Results are not tabulated, and no documents are printed, the article being intentionally a sketch; but reference is made to an interesting list of a bookseller's stock at Malmö and Lund c. 1535, consisting of books printed at Paris, mostly by Badius Ascensius. For the benefit of non-Danish readers the article is published in French.

P. S. A.

Two recent numbers of the *Transactions of the Baptist Historical Society* (London: Baptist Union Publication Department, 1915) contain some interesting papers. The most valuable is a summary list of the

known dissenting schools from 1660 to 1820. An article on 'Early days in the Cotswolds' gives much information about the Baptists of Cirencester and its neighbourhood. At Charlton Kings one Richard Harrison, a London stationer and a trooper of Essex, was vicar in 1649. He was one of the considerable number of Baptists, less austere than their creed, who consented to hold benefices. On the other hand, strong reasons are given against the assertion that the well-known Henry Jessey was vicar of St. George's, Southwark, under the Commonwealth. A number of epistles from the Baptists of Holland to General Baptist churches in England are given, and one of them is translated. There are blemishes both in the printing and in the rendering. But these *Transactions* continue to be of real service to students of the seventeenth and eighteenth centuries. U.

In the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, 5th series, iii. 1 and 2 (1915), will be found a useful chronological list of documents of interest for the history of the Netherlands which are noticed in the appendixes to the *Reports of the Historical Manuscripts Commission*, i-xv (that is, in the whole numbered series of Reports, before it was decided to break them up and name them under collections). This list, which is the work of Miss S. J. van den Berg, at present extends as far as 1618. V.

M. Jorga has now begun the third year of his *Bulletin de l'Institut pour l'Étude de l'Europe sud-orientale*—a most useful monthly summary of the chief publications on Balkan history and politics—and has also issued the second number of the third volume of the Rumanian Academy's *Bulletin de la Section historique*,¹ which contains some curious information about Couza before he became prince of Wallachia and Moldavia, and a number of contemporary opinions about the future of those two principalities.

W. M.

¹ Cf. *ante*, xxix. 618; xxx. 758.

CORRECTIONS IN THE APRIL NUMBER

- p. 196, line 11 from foot, *for forms read waters.* p. 198, n. 2, *for opposite read opposite it.*
 p. 199, line 5, *after and insert formed.* p. 200, line 4, *after Barcelona omit comma; and line 11 from foot, for each other read that of the others.*
 p. 201, notes 10 and 11, *for i read vii; and in note 10, for Comte read Comté.* p. 202, n. 20, *for 1895 read 1898; and n. 21, omit Statuts, p. 8.* p. 203, n. 25, *for et read e.*
 p. 204, line 1, *for 1419 read 1426.* p. 206, n. 43, *after note 2 there should be a semi-colon.*
 p. 208, n. 55, *for praede read praedae.* p. 210, n. 69, *for embóchiés read embochiés.*
 p. 211, n. 72, *after Lymon insert comma.* p. 213, n. 82, *for no read non, and for largamento read largamente.*
 p. 215, n. 93, *for Ad Ora read Ab Ora.*
 p. 217, line 11 from foot, *for Here read Hence.* p. 219, last line of note, *insert comma before for.*
 p. 222, line 11 from foot, *for was read is.*

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The Canary Company

OF all the early chartered companies none had so brief an existence as the Canary Company, whose charter was sealed on 17 March 1665, and cancelled on 18 September 1667. Between these dates London was ravaged by plague and fire, and menaced by the Dutch fleet; hence a new commercial venture could hardly be expected to flourish, even had opinion been in its favour. From the outset, however, the Canary Company had to face a determined opposition, the motives of which are of considerable interest, as illustrating the attitude towards exclusive trading companies in the Restoration period.

Long before the reign of Charles II trade between England and the Canary Islands had been well established.¹ As early as 1526 the merchants of Bristol had laden a ship, bound for the West Indies, with cloths for the Canaries; by the middle of the sixteenth century a steady trade was established in textiles from England and wine, sugar, and drugs from the islands. At the beginning of Elizabeth's reign the chief product of the Canaries was sugar, but within the next thirty years the sugar trade with England had been injured by the competition of Barbary, Brazil, and the West Indies, as well as by the capture of Spanish prizes. As the sugar trade declined, the wine trade seems to have increased; vines had long been planted in the islands, and many of the sugar plantations were turned into vineyards,² which proved extremely productive. Even during the war with Spain considerable quantities of Canary wine were brought into England,³

¹ See *English Merchants and the Spanish Inquisition in the Canaries*, edited for the Royal Historical Society by L. de Alberti and A. B. Wallis Chapman, pp. xii-xviii.

² *Calendar of Venetian State Papers, 1587*, no. 449.

³ 142 pipes of Canary wine were brought into London in May 1597. See *Calendar of State Papers, Domestic, Elizabeth, 1595-7*, p. 49; 'a fly-boat of 130 tons laden with

possibly through French ports; and when peace was concluded, in 1604, the Canary trade naturally developed. Canary wine was a favourite drink in England both in the sixteenth and seventeenth centuries; James Howell, writing to Lord Clifford in 1635, says, 'I think there's more Canary brought into England than to all the world besides.'⁴ During the war with Spain English merchants had often suffered through the seizure of their persons and goods by the agents of the Inquisition. In the hope of securing protection for merchants a Spanish company was formed in 1605, with a monopoly of the trade with Spain. This monopoly was of course open to many objections, for the commerce with Spain was obviously no new undertaking. Hence the company was speedily dissolved by the act of parliament of 1606, 'to enable all his Majesties loving subjectes of Englande and Wales to trade freely into the Dominions of Spaine, Portugale and France'. The preamble stated that divers merchants had lately obtained from the king a large charter of incorporation for them and their company to trade into the dominions of Spain and Portugal, and wanted to obtain the like privilege for France. Such proceedings tended to the impoverishment of ship-owners, mariners, fishermen, clothiers, and handicraftsmen, also to the decrease of the customs and the ruin of navigation: it was therefore enacted that all subjects might trade with Spain, Portugal, and France as freely as before such incorporation.⁵ Within a few years English traders with Spain and its dominions were involved in endless difficulties through the activity of the Inquisition, and the English government was unable to secure them adequate protection.⁶

During the interregnum English trade with the Canaries naturally suffered through the war with Spain. Some details as to the difficulties of English merchants are given in an undated petition to the council of state: 'The humble Remonstrance of the London Merchants Trading for the Islands of Canaries.'⁷ Their trade is said to have been of long duration, but productive of 'more benefit to the inhabitants of the said Islands than to the subjects of this nation'. In strict conformity with the articles of peace with Spain, the petitioners had carried certificates of the nature and quality of their goods; but the governor of the islands had

Canary wines,' *ibid.* 1598-1601, p. 28; and 'sugars and Canary wines taken by Sir John Gilbert's ship from a Scotch ship', p. 419.

⁴ Quoted by A. L. Simon, *History of the Wine Trade in England*, iii. 324; compare Appendix to vol. iii, where Canary wine occurs twenty-eight times in the list of prices of wine during the seventeenth century. Note also the phrases 'Canary-man' and 'Canary fleet'. ⁵ *Statutes of the Realm*, 3 Jac. I, c. 6.

⁶ W. R. Scott, *The Constitution and Finance of English, Scottish, and Irish Joint Stock Companies to 1720*, i. 125-6.

⁷ Brit. Mus., Add. MS. 32093, fo. 367.

caused all merchants and factors there to be arrested and imprisoned and questioned for all or most of the goods by them imported or exported since 1640. Thus utter destruction was threatened to English trade with the Canaries, and until these grievances should be redressed it would be better for the trade to be suspended altogether. Further details as to the Canary trade may be gathered from a passage in Burton's *Diary*.⁸ In January 1657 the grand committee on excise resolved that for every tun of wine, not of the growth of Spain, there should be paid £6. Mr. Ashe the elder observed: 'The dominions thereof should be added, otherwise the Canary were excluded.' It was accordingly resolved that the words 'or the dominions thereof' be added, and that every tun of Spanish wine pay £9. This resolution was followed by an angry debate, in which Sir William Strickland said, 'If you had this House full of gold, you ought in justice to punish the vintners; for they have oppressed the nation and enriched themselves, and get more wealth than any profession whatsoever'. He was supported by a later speaker, who contended that 'the merchants have been oppressed, the vintners have got the riches'.

Soon after the Restoration it was deemed necessary to take into consideration the great increase in the retail price of Canary wine, which was almost twice as high as in 1640. Clarendon, in his autobiography,⁹ gives a full account of the measures taken at the meetings held in 1660-2 for fixing the price of wines. It was found that the price of Canary wine could not be lowered,¹⁰ and in 1662 the conclusion was reached that either the trade must be regulated, or the importation of Canary wine stopped till the producers could be brought to reason. The king, Clarendon writes, considered 'the obstinate vice of the nation which made it ridiculous to all the world', and intimated his willingness to consider the suggestion, put forward by some of the Canary merchants, that a company should be formed. Shortly afterwards a petition for incorporation was presented at the council board, signed by many of the merchants who had always traded with the Canaries. Some weeks later other notable merchants, who had not signed the petition, appeared at the council, and to the question why they had held aloof replied

that the reason why they had not appeared in it was because they thought they should be losers by it, and therefore were not solicitous to procure

⁸ Ed. Rutt, i. 325-6.

⁹ *Life of Edward, Earl of Clarendon*, Oxford, 1857, ii. 109 ff.

¹⁰ The statute 12 Car. II. c. 25, fixed the price of Canary wine in England for 1662 at £29 per butt: in 1664 it had risen to £32 per butt, and many vintners were prosecuted in London for selling their wines above the legal prices: Simon, *History of the Wine Trade*, iii. 88.

a grant from his Majesty to their own damage, and so enlarged upon the nature of the trade, their long experience in it, and the greatness of their stock, which they should not be allowed to continue under any regulations. But as they did not think themselves in a situation to be solicitous for change, so they could not deny being required by his Majesty to speak the truth, but that the proposition that was made was for the public good and benefit of the kingdom, and that they conceived no other way to redeem that trade and the nation from the insolence which the Spaniard exercised upon them; implying that if his Majesty would command them, they would likewise concur and join in the carrying on the service.

On 25 March 1664 a committee of the privy council was appointed to consider the petition for incorporation;¹¹ the farmers of the customs were consulted,¹² and 28 October was fixed for their attendance at the council, as well as that of merchants trading to the Canaries, especially Alderman Sir Arthur Ingram, Mr. Samuel Wilson, Mr. John Turner, and Mr. William Throckmorton.¹³ On the appointed day the whole matter was fully discussed in the king's presence, and the solicitor-general was directed to prepare a draft of a bill to pass the king's signature for granting letters patent under the Great Seal for the incorporation of the Canary merchants.¹⁴ 'It was notorious', Clarendon remarks, 'that there had never been a greater concurrence of the Board in any direction.'¹⁵ Many months passed before the charter was engrossed and passed the king's hand. When it was brought to the Great Seal, a *caveat* to stop its passing was entered by the lord mayor of London and the court of aldermen; they wished the Canary Company to be subject to the order issued by the council a year or two before in regard to the Turkey Company, that all its members must be freemen of London.¹⁶ The Canary merchants demurred, saying that many of them were not freemen and did not intend to be; but when they found that resistance would entail the loss of their charter they consented to the insertion of a clause obliging them in so many years to become freemen. A further delay was caused by rumours of opposition to the charter in the house of commons; some members for the western boroughs pleaded it would undo their trade. For some little time Clarendon suspended the sealing of the charter, but at length gave way to

¹¹ Privy Council Register, vol. lvii, p. 48, 25 March 1664.

¹² *Ibid.*, p. 155, 16 July 1664.

¹³ *Ibid.*, p. 246, 19 October 1664.

¹⁴ *Ibid.*, p. 264, 28 October 1664. Compare Evelyn's *Diary*, ed. W. Bray, i. 384, under date 29 October 1664: 'At this council I heard Mr. Solicitor Finch plead most elegantly for the merchants trading to the Canaries, praying for a new Charter.'

¹⁵ *Life of Edward, Earl of Clarendon*, Oxford, 1857, ii. 118.

¹⁶ *Ibid.*, ii. 118-20. Compare letter from Clarendon to Bennet, November 1664, *Calendar of State Papers, Domestic, 1664-5*, p. 98.

the importunity of the merchants¹⁷ and affixed the Great Seal on 17 March 1665.

The charter of incorporation¹⁸ is a verbose and lengthy document, the most important section being the preamble stating the reasons for the incorporation of the Canary merchants :

Whereas the trade of Canary Wines used by the subjects of this our Kingdome of England trading at or in the Seaven Islands formerly called the Fortunate Islands and now called or knowne by the name of the Canary Islands and more particularly Grand Canaria, Theneriffe, Palma, Lancerote, Fuerte Ventura, Gomera and Hierro,¹⁹ was heretofore managed with farr greater benefitt and advantage to our subjects then of late times it hath beene, the native commodities and other the manufactures of this our said Kingdome of England being formerly exported into the said Islands in greate quantities and the wines therefore received in exchange brought home and imported at such rates that the same were usually retailed at very easy and moderate prices But yet of late yeares by reason of the extroardinary [*sic*] resorte of our subjects unto those Islands and the unusuall number of shippis tradeing thither the goods and commodities of the growth of manufacture of this Kingdome hath beene debased in their value and the wines of those Islands raised and inhansed in their prices double the rates which they were formerly sould at Inso-much that our subjects hathe of late beene forced for the carryeing on the said trade in the said Islands to carry thither peeces of eight and other bullion which they in their trade had gotten att other places and which would otherwise have beene imported into this our kingdom All which hath tended to the greate decaie of the Stocke of this our Kingdome the impoverishment of our good people for the want of that vent of the manufactures which heretofore hath beene and to the greate diminution of our customes Which greate mischeifes and inconveniencies have happened through want of a due regulation of the said trade of Canary wines and are likely to encrease dayly if some timely remedy bee not applied And whereas the merchants tradeing to the said Islands have humbly besought us by their petition that we would bee graciously pleased to incorporate them the said merchants tradeing to the said Islands as the onely meanes to prevent the said mischeifes occasioned chiefly by irregular and disorderly tradeing of retaylers and other shopp keepers noe waies verst in the trade and mistery of merchandize.

The company is to consist of 71 specified persons²⁰ and all

¹⁷ See the complaint of the Canary merchants that the delays of the farmers of the customs have prevented the preparation of their charter, 14 December 1664, *Calendar of State Papers, Domestic, 1664-5*, p. 111.

¹⁸ Public Record Office, Patent Roll, no. 3072.

¹⁹ See 'A description of the Canarie Islands, with their strange fruits and commodities', *Hakluyt's Voyages*, vol. iv. The above-named islands are all marked in a beautifully executed map, fo. 6^b of a Dutch Portolano, c. 1660, British Museum, Add. MS. 34184.

²⁰ Not 60, as stated by Anderson, *Origin of Commerce*, ed. 1787, vol. ii, p. 485, and G. Cawston and A. H. Keane, *The Early Chartered Companies*, p. 236.

English subjects trading with the islands to the value of £1,000 per annum. They are to be 'one fellowship and one body corporate and polittique' under the name of the 'Governour and Company of Merchants trading to the Canary Islands'; they are empowered to hold and dispose of lands, tenements, &c., to the value of not more than £500 per annum without any special licence, also to plead and be impleaded in any court within the realm of England. Their common seal is to be engraven as follows :

Argent a crosse gules, otherwise called Saint Georges Crosse and on a cheife azure a lyon of England betweene twoe bunches of grapes *or* for the crest, upon an helmett proper mantled gule double argent and wreath of theire colours the mountaine called the Pike of Theneriffe proper. And for theire supporters twoe falcons *or*.

The government of the company is to be in the hands of a governor, deputy-governor, and a court of twelve assistants. The first governor is to be Sir Arthur Ingram,²¹ and the first deputy-governor John Turner; the first assistants are: Thomas Bonfoy, Alderman, William Bulkley, Henry Negus, Nicholas Warren, Robert Bevin, William Maskelyne, William Throgmorton, Thomas Warren, John Paige, John Webber, Rowland Ingram, William Reid.²² Elections are to take place annually between 14 March and 24 March, and any person chosen as governor or deputy-governor or assistant must 'have the summe of one thousand poundes at the least every of them severally subscribed and effectually brought into stock and belonging unto him at the tyme of such his election'. The governor, deputy-governor, and the assistants are empowered to administer an oath in a specified form to all factors, masters of ships, and other servants of the company. The governor and deputy-governor, before entering on office, are to take before the lord chancellor the oaths of allegiance and supremacy and their corporal oaths for true and faithful execution of their trust; the assistants are to take like oaths before the governor and deputy-governor. Provision is made for admission to the

²¹ Sir Arthur Ingram's name occasionally occurs in the Domestic State Papers. In the *List of Merchants of London*, 1677 (the earliest London Directory), it is stated that he lived at Hatton Garden. Lord Southampton called him 'a good and fair trader and a gentleman that deserves well': *Calendar of Treasury Books*, 1660-7, 13 March 1661, p. 132.

²² John Turner's address is given in the above-mentioned Directory as Suffolk Lane. Alderman Bonfoy is doubtless the Captain Bonfoy who lived on Little Tower Hill. Nicholas and Thomas Warren and John Paige are mentioned in the Directory, and also in the Domestic State Papers between 1665 and 1667. William Throgmorton was knight-marshal: *Calendar of State Papers, Domestic*, 1667, p. 64. He may be the Throgmorton who had a house in the Canary Islands which was searched by the commissioners of the Inquisition in 1645: *Canary Inquisition*, 1568-94, p. x.

company, under special conditions, of the sons and apprentices of freemen; for the establishment of 'good necessary and reasonable lawes, ordinances, orders and institutions'; for the imposition of fitting penalties, and for the assignment of stock by any member of the company or his executors to any freeman of the company or any other person provided he becomes a freeman and pays for his admission a sum not exceeding fifty pounds.

The company is to enjoy the monopoly of trade with the Canary Islands. Stringent regulations are laid down as to the exclusion from the Canary trade of any subjects of his majesty or his successors who are not members of the company; private trading on the part of members or servants of the company is also strictly forbidden. Every member is to have a number of votes according to his stock, that is to say

for every two hundred and fifty poundes by him subscribed and brought into the stock one vote and that any of those that have subscribed or brought in lesse than two hundred and fifty poundes may joyne their respective summes to make up two hundred and fifty poundes and have one vote jointly for the same and not otherwise.

The company has full powers to appoint officers in London and elsewhere to collect fines that may accrue through breach of its orders and by-laws. The lord treasurer and the chancellor of the exchequer for the time being are to issue warrants of assistance to the company when necessary, and the company's officers are to be assigned a place in the custom-house of London and of other ports so that they may prevent all infringements of the privileges granted by the charter.²³ All English merchants trading with the Canaries who are not free of the company may have free liberty and licence to get in and fetch home their estates from the said islands till 24 June next. Members of the company are to enjoy all the privileges of the City of London as fully as any company of merchants established by letters patent. The present grant and incorporation is to be valid in law notwithstanding the act of 3 Jac. I enabling his majesty's subjects to trade freely into the dominions of Spain, Portugal, and France, and the act of 12 Car. II for the encouragement and increasing of shipping and navigation. Finally, it is provided that all members of the company must be freemen of the City of London, or become freemen within three years on pain of expulsion from the company; from and after the twelve months next ensuing

²³ See the warrant from Treasurer Southampton to the customs farmers, 26 May 1665, to admit Philip Marsh to have a place in the custom-house, he being the officer chosen by the said company of merchants trading to the Canary Islands to set his hand to all entries of shipments to or from the said islands in order to prevent secret trading therewith: *Calendar of Treasury Books, 1660-7*, p. 662.

no one shall be admitted who is not a freeman of the City of London.

Thus the Canary merchants had secured their charter, but their troubles were by no means at an end. Several persons not included in the company gave out that they were not bound to take any notice of the charter till it was published by proclamation. In response to a petition from the company a proclamation was issued on 25 May 1665, forbidding others to intermeddle with their trade, 'as by so doing the prices of those wines have been much enhanced in value and the manufactures of England debased'.²⁴ In April 1666 the company petitioned for a proclamation to the same effect under the Great Seal of Ireland. Although the charter extended to Ireland and an exemplification had been sent thither, yet the inhabitants of the Canary Islands and those who opposed the charter still sent their wines into Ireland. The petitioners had also met with

Obstructions by secret practices of some English Merchants, who combine with Jews and others residing at Dublin, and freight diuers shippes from thence to the Canaries, and bringe Wines from thence into Ireland, and so keepe up the Spirits of the Inhabitants of those Islands in opposition to the said Company, hoping thereby to frustrate the ends of the said Charter, and to break and dissolve It at the Last.²⁵

The petitioners gained their object, and orders were given that a proclamation similar to that issued in England should be published by the lord lieutenant and privy council of Ireland, and that the company should be supported in all just and legal proceedings.

The company did not, however, find support from the customs farmers, who from the first had opposed the charter on the ground that loss of revenue would follow the change in the method of trade, 'because the said merchants drive it in a new way by joynt stock'.²⁶ On 26 May 1665 a warrant had been issued by the treasurer to the customs farmers bidding them take special care on behalf of the Canary Company

that hereafter no coquet or bill of sufferance pass, or entry be taken for any goods or merchandise to be imported thence or exported thither . . . but only by such as shall bring warrant under the common seal of the said Company or under the hand of their officer to be by them appointed to sit in the Custom House for that purpose.²⁷

But the company complained that the customs farmers allowed

²⁴ *Calendar of State Papers, Domestic, 1664-5*, p. 383, and *Privy Council Register*, vol. lvii, 14 April 1665, p. 101, and 24 May 1665, p. 151.

²⁵ *Privy Council Register*, vol. lviii, 11 April 1666, p. 404.

²⁶ *Ibid.*, 25 October 1665, p. 279.

²⁷ *Calendar of Treasury Books, 1660-7*, 25 May 1665, p. 662.

the daily importation of Canary wines, and prevented seizure by pretending a previous seizure and then contriving a landing 'in private creeks and at unlawful hours'.²⁸ In spite of the council's order that no Spanish wines were to be landed till the Canary Company's wine cooper had tasted them, the customs farmers let pass any wines they suspected or knew to be Canary without permitting the company's cooper to do his office.²⁹

Even more serious for the company was the activity of interlopers. The Privy Council Registers for the years 1666-7 contain several references to ships that imported Canary wines contrary to the company's charter. Thus the *Hope*, of London, brought to Ireland 120 pipes of Canary wine for Mr. William Clapham and his partners; 18 pipes were brought thence to Chester in the *Elizabeth*, of London, and the *Hope* was sent back to the Canaries for another cargo. The company's agents seem to have been extremely active in the matter of seizures. The *Industria*, of Bilboa, bound for Ostend, was forced by an accident to one of her crew to put into Plymouth, where she was detained by authority of the company, because she was laden with Canary wine; a like seizure was made of some Canary wine consigned to the Spanish ambassador in England. In neither of these cases was the company's authority upheld by the privy council.³⁰

The Privy Council Registers for 1665-7 throw much light on the difficult conditions of trade during these disastrous years. On one occasion Sir Arthur Ingram, governor of the Canary Company, told the privy council that goods belonging to his company were entered in bills of lading under Spanish names and that 'they used that Colour but to preserve them from the Dutch'.³¹ A certain John Wadlow,³² a strong opponent of the company, suffered through the fire of London and also through the Dutch inroad into the Medway. His petition, read at the privy council on 26 September 1666, set forth :

That by the late mercyleless Fire (besides his Househould goods of a great value) he lost 100 Tunns of Spanish and French wines; and that his House being at that time taken up for his Royall Highness and the Lords of his Ma^{ties} most Hono^{ble} Privy Councell, the Streets were so choaked up with Tymber and other obstructions that he could not have the benefit of Carts or any other helps to save his Goods.

²⁸ Privy Council Register, vol. lix, 20 March 1667, p. 342.

²⁹ *Ibid.*, 7 November 1666, p. 203.

³⁰ *Ibid.*, 21 September 1666, p. 166, and 5 June 1667, p. 439.

³¹ *Ibid.*, vol. lviii, 15 December 1665, p. 307.

³² Captain Wadlow was doubtless a relative of the Fleet Street vintner mentioned by Pepys under date 22 April 1661: probably he was one of those retailers and shopkeepers noways versed in the trade and mystery of merchandise, who are mentioned in the preamble of the Canary Company's Charter (above, p. 533).

Wadlow's request to be allowed to import 60 tuns of Canary wine from Flanders was referred to the company for consideration. Next year he was again in difficulties; he was about to pay a large sum of money to his majesty's privy purse, but 'the Dutch had that very day attempted his Maties Shippes at Chatham, which caused such distraction in London that no money could be rayseed by any person whatsoever'.³³

The company had also to face troubles in the Canary Islands themselves. In 1665 both his majesty's consul and the company's factors were banished from Teneriffe, and the islanders attempted to overthrow the company by ordering that no English ships should be permitted to land and no English merchant to live amongst them³⁴ till the charter should be recalled. On the pretext of avoiding a general mutiny the governor of the islands proclaimed the expulsion of all English merchants save James Thomas and John Smith, junior.³⁵ These men, according to the company, had all along aided and abetted the islanders in their lawless proceedings. The upshot was that a proclamation was issued on 7 November 1666 prohibiting the importation of Canary wine into England or any of his majesty's dominions until further order. Difficulties had also been caused by Samuel Wilson, of London, who was accused of 'writing letters to discompose affairs in those islands', a charge which he denied, though he admitted that he was dissatisfied with the proposals³⁶ made to him to enter the joint-stock of the Canary merchants. Similar charges were brought by the company against Don Francisco Tomas and Diego Rodrigues Arias. Tomas held an office in Teneriffe and had been prominent in the attempt to kill the company's factors and banish the English consul; he had been abetted by Arias, a reputed Jew, who had come to England as a commissioner to contrive the company's overthrow.³⁷

Thus the position of the company was extremely precarious: what finally ruined it was the action of a group of merchants engaged in the Canary trade. In March 1666 they complained

³³ Privy Council Register, vol. lix, 23 August 1667, p. 543.

³⁴ For English residents in the Canaries see *Canary Inquisition, 1586-94*, p. x: 'In a memorial addressed to the King, June 15, 1654, by the Holy Office, the number of English and Dutch residents is estimated at 1,500 in Teneriffe alone.'

³⁵ John Smith, junior, and Edward Prescott were ordered (10 November 1665) to come over from Teneriffe to answer interrogations before the privy council touching their disobedience to the Canary Company's charter: *Calendar of State Papers, Domestic, 1665-6*, p. 49. Compare *Hist. MSS. Commission, 15th Report, 1899*, Heathcote MSS., p. 212: Sir Arthur Ingram and other members of the Canary Company wrote on 13 November 1665, to Sir Richard Fanshaw, the English ambassador in Spain, in regard to the Canary troubles and the sending for those who had 'with open face encouraged the said islanders in their mutinous proceedings'.

³⁶ *Calendar of State Papers, Domestic, 1665-6*, p. 75.

³⁷ Privy Council Register, vol. lix, 20 March 1667, p. 341.

to the privy council of the use made of the company's charter, asking leave to give reasons for certain alterations ; they admitted the benefit of the incorporation of the Canary merchants, but wanted longer time in which to bring home their estates from the islands.³⁸ The signatories of this petition were William Clapham, Charles Raworth, George Smith, Simon Thomas, and others ; all the names specified, except George Smith, occur in the list of original members given in the company's charter. In response to their petition the company was directed to allow enough English ships to be sent to the Canaries to bring home their property.

A similar petition from William Clapham, George Smith, and other merchants formerly trading to the Canary Islands was read before the house of commons on 1 October 1666, and referred to a committee of thirty-five persons ;³⁹ on 9 October a petition from George Smith, merchant, was referred to the same committee, which was enlarged by the addition of fourteen specified persons as well as all the members for London and the outports. The committee lost no time in considering the matter, for on 29 October it reported that ' the said Patent was an illegal Patent, a Monopoly, and a grievance to the Subject '. The house concurred with this report, and resolved :

- (1) that His Majesty be humbly moved to call in the Patent of the Canary Company.
- (2) that the Lords' Concurrence is desired to these Votes, and that Mr. Seymour go up to the Lords for their Concurrence.

The proposal that an impeachment should be drawn up against the patentees was negatived. Several times a message was sent to the lords reminding them of the above resolution, and a conference between the two houses was held on 19 December.⁴⁰ On 24 January 1667 the lords considered the matter, and ordered that all the judges then in town should peruse the charter granted to Spanish merchants 31 May 3^o Jacobi, and also the present patent granted to the Canary Company and to report if it conflicted with the statute 3^o Jacobi, cap. 6, concerning enlargement of trade. The judges' report, delivered on 25 January 1667,⁴¹ threw no great light on the matter ; it discussed the phrase ' dominions of Spain ', and concluded with the cautious observation : ' But whether the Canary Islands be Part of the Dominion of Spaine, it being a Matter of Fact, they conceive it not proper

³⁸ Privy Council Register, vol. lviii, 14 March and 23 March, 1666, pp. 382 and 388.

³⁹ Pepys, under date 8 October 1666, writes : ' The Committee of the Canary Company of both factions come to me for my cozen Roger that is of the Committee.'

⁴⁰ Pepys, under date 19 December 1666, mentions ' a conference this morning between the two Houses about the business of the Canary Company'.

⁴¹ *Lords' Journals*, xii, p. 91.

for them to give any opinion therein.' Further parliamentary action was rendered impossible by the prorogation on 8 February. The strength of the feeling against the company may be gauged by Pepys's remark that,

unless the King do do something against my Lord Mordaunt and the Patents for the Canary Company before the Parliament next meets, he [*sc.* Captain Cocke] do believe there will be a civil war before there will be any more money given.⁴²

On 28 June 1667 the privy council considered the company's petition representing the manifold interruptions and difficulties they had experienced; a committee was appointed to consider the business of the company, and the petitioners were required to bring in their charter.⁴³ Early in September this committee met, and on 18 September the Canary Company's charter was cancelled.⁴⁴ On 23 September the attorney-general was ordered to prepare a proclamation revoking the former, which prohibited the importation of Canary wines: ⁴⁵ henceforth a free trade and commerce with the Canary Islands was to be allowed. Two days later the draft of this proclamation was duly presented to the council.⁴⁶ When parliament reassembled, on 10 October, an address of thanks to his majesty was agreed to by the house of commons, containing the following clause:

For causing the Canary Patent to be surrendered and vacated: And more especially that Your Majesty hath been pleased to displace the late Lord Chancellor and remove him from the Exercise of publick Trust and Employment in Affairs of State.⁴⁷

Thus the brief and troubled career of the Canary Company was brought to a close. Its charter was mentioned in the third of the articles of treason exhibited against the earl of Clarendon, viz.:

That he hath received great sums of Money for passing the Canary Patent, and other illegal Patents, and granted several Injunctions to stop proceedings at Law against them, and other illegal Patents formerly granted.⁴⁸

Clarendon, in his autobiography, effectively refutes this charge,⁴⁹

⁴² *Diary*, 17 February 1667.

⁴³ Privy Council Register, vol. lix, p. 476. Pepys writes under date 27 June: 'Pierce tells me . . . that yesterday was damned at the Council the Canary Company.'

⁴⁴ This date is given in a note written under the marginal heading of the charter: the whole enrolment is cancelled with hatched lines drawn through it.

⁴⁵ Privy Council Register, vol. lix, p. 594.

⁴⁶ *Ibid.*, p. 601.

⁴⁷ *Journals of the House of Commons*, vol. viii, 10 October 1667.

⁴⁸ *Articles of Treason exhibited in Parliament against Edward Earl of Clarendon, 1667*, British Museum, 816, m. 1 (115).

⁴⁹ Vol. ii (Oxford, 1857), pp. 532 and 124.

pointing out that if he had been bribed by the company he would not have permitted so many delays in the sealing of its charter. He frankly admits that some months *after* the patent was sealed the governor of the company made him a present in the name of the corporation, as presumably was done to many other officers through whose hands the patent passed.⁵⁰ In accepting this present he had acted in accordance with the best traditions of his office.

The arguments against the Canary Company are set forth at length in Stowe MS. 303, ff. 109–26: ‘An Argument concerning a Patent granted in the Reign of K. Charles II to divers Merchants of London for them and their Company only, to trade into the Canaries.’ No author or date is given, but the treatise was written after 19 December 1666, as it refers to the reports of the conference with the house of commons. The writer was evidently a member of the house of lords, for he says :

And what debate more proper for the House of Peers than one of this nature? For are we not therefore dignified with Great Titles? Adorned with noble priviledges? Are we not for this very end raised to be a middle State between the King and the Commons that we may be a Boundary to both?

At the beginning of the volume is the book-plate of Algernon Capel, earl of Essex, and it is not impossible that the treatise was written by Algernon Capel’s father, Arthur Capel, earl of Essex, who is known to have been in London in the autumn of 1666.⁵¹ The tone of the tract and the allusions to historical and legal works are fully in accordance with Essex’s character as portrayed by his biographer,⁵² who describes him as ‘knowing our law and constitution well and delighting much in his library, which enabled him to speak on all occasions with great applause’.

The writer’s arguments against the Canary Company are as follows :

1. That there was no necessity for any such Patent.
2. That, however, this Patent is unfitt for its designe.
3. That it is illegall.
4. That it is a Monopoly for the kind.
5. That it is a grievance to the subject.
6. Lastly, that it is a dishonour to the King in its consequents.

Under the first head it is argued that laws had already been

⁵⁰ Compare the statement in Pepys’s *Diary* for 25 October 1666, as to libels found in the house, one of which mentioned a payment of £5,000 to Matthew Wren for passing the Canary Company’s patent. Wren was secretary to Clarendon.

⁵¹ *Hist. MSS. Commission, 7th Report*, p. 485 b, Verney MSS., 13 September 1666.

⁵² *Letters written by his Excellency Arthur Capel Earl of Essex, Lord Lieutenant of Ireland, in the year 1675, to which is prefixed an Historical Account of his Life*, London 1770, p. xvi.

provided for keeping down the price of Canary wines and were effective till 1646. Since the Restoration the due execution of these laws had been hindered by the pardons granted to offenders against them. Were the laws properly administered, they would in the end not only lower the price to the consumer, but make merchants give less for the wines abroad or let them alone; 'which if they should doe for a while, the Canary men having none else to take their wines off their hands, would in a short time be glad to come down to more reasonable terms.' In the second place, even if the charter of incorporation was necessary, it is ineffective, for it contains no provision as to the real point of importance, the retail price of wine in England. Thirdly, the charter was illegal, being contrary to the statute 3 Jac. I, c. 6. If the charter granted by James I was condemned because it limited the trade into Spain and Portugal to mere merchants, much more is the present charter illegal, which limits the trade into the Canaries to the merchants who are free of London. The writer next takes up the point whether the Canaries were included in the dominions of Spain, and urges that Canary wines in common acceptation pass under the name of Spanish wines, that Canary commodities are entered at the custom-house under the name of Spanish commodities,⁵³ and that in treaties the Canaries have been understood to be of the dominion of Spain.

If the Canary Company is abolished, no inconvenience, it is maintained, will be caused to other trading companies, viz. the East India Company, the African, Turkey, and Muscovy companies, and the Merchant Adventurers. A very interesting passage gives the grounds on which incorporation in each of these cases can be defended. The East India Company and the African Company are incorporate by necessity,

because their continual maintaining Forts and Garrisons at their proper charge requires a joint stock; the Turkey Company also by Necessity; because trading with a barbarous People they are compelled to make presents to some great men with a charge borne in common by a Custome on all Commodities in which they deal.

The Muscovy Company was established by act of parliament.

The Merchant Adventurers is founded upon merits because (as their Charter mentioneth) they were the first who brought into England the Invention of making Cloth. Which Charter of theirs, though it were a very reasonable Indulgence and iust Honorary to them for some certain years at first; yet now (after so many yeares of enclosure and so long season of Harvest) it is high time it were laid open: for though the Letter of the Statute aforesaid doth not reach it, yet the Reason of it doth; it

⁵³ The value of the Spanish wine imported into London, Mich. 1662 to Mich. 1663, was £394,560: Brit. Mus., Add. MS. 36785.

being directly contrary to the meaning of that Parliament and to the intent of the makers of that Law, that any Charter should continue or be made hereafter, that might barr the Subjects from the benefits of a free Trade, when it may be exercised without any inconvenience or detriment to the Realme. Deservedly therefore hath the Merchant Adventurers' Charter bin complained of and questioned in Parliament, as in that of 19^o Jacobi for instance and bin in divers other Storms, tho' it has bin so unluckily prosperous as to weather it out all along and to continue unchecked hitherto. But as for any other of our Trading Companies they are safe enough; this Patent for the Canary Trade may well be condemned and utterly dissolved, without any consequential impeachment or concern to them.

The *non obstante* clause in the charter is next dealt with and proved not to hold good, being against the primary intention of a law and against an act declaratory of a subject's right (namely, of trading). The charges that the charter confers a monopoly and is a grievance to the subject are quickly dismissed. Finally the writer urges that the charter is a dishonour to the king. He alludes to the great debate on monopolies in 1601 and to their condemnation in the parliament of 1621. He trusts that 'the sad remembrance of our late sufferings' will not 'so transport any of us that we should now so wholly intend the King's Prerogative as to have no regard at all to the People's Liberties'. The tract is adroitly concluded in the following words:

It is our present happiness to live under a most just and gracious Prince, whose rare natural endowments improved by his afflictions have rendred him the most accomplit of Sovereign Princes in this age, yet may we not therefore inferre that no irregularity can be committed in his reign; but rather fear it will be done: it being a common but a true observation, That the worst Precedents have bin introduced for the most part under the best Princes. . . . Wherefore we of all others should be very inexcusable if living under a Prince so gracious, so ready to hear and redresse the Complaints of his Subjects, we should suffer the People to be injured in their just Rights.

The fall of the Canary Company was not due to the weight of the foregoing arguments so much as to the jealousies of the merchants engaged in the Canary trade. It has been well remarked that all through the seventeenth century the most powerful arguments against existing monopolies were those of the would-be monopolists themselves.⁵⁴ It was always easy to raise a cry against monopolies, justly or unjustly, and at a time of public disaster those who felt themselves aggrieved by the company's charter could easily make out a good case against it. Those who signed the petition against the company did not

⁵⁴ W. R. Scott, *Joint Stock Companies*, i. 121.

object to incorporation *per se*, they objected only to a monopoly exercised by their commercial rivals. Certainly the company seems to have been unwise in the exercise of its exclusive privileges, and to have aroused animosities in all directions, at home and abroad ; hence it found few or no defenders when attacked. It could not plead that it was beginning a new trade, or one that was carried on in distant and semi-barbarous regions ; with a favourable wind the Canary Islands were but twenty-four days distant from England.⁵⁵ Doubtless there was the question of protection for English merchants to consider, but it might fairly be argued that this should be secured by firm and consistent action on the part of the government and not by the grant of a monopoly. The Canary Company was peculiarly unfortunate in the time during which it exercised its privileges : had London been free from plague, fire, and invasion between 1665 and 1667, not only the company but the loyal and able statesman who has recorded its history might have had a different fate. As it was, the fall of both was partly due to disasters for which they were in no way responsible.

CAROLINE A. J. SKEEL.

⁵⁵ See *Calendar of State Papers, Domestic, 1595-7*, p. 91.

Committees of the Privy Council,
1688-1760*

CABINET and privy council in the seventeenth and eighteenth centuries are as perplexing and as hard to delineate as the council of the king in the middle ages. It has for a long while been obvious that the privy council increased in size and diminished in importance, was divided into committees, and presently yielded its power to the cabinet, which in some way arose in connexion with it; but the further task of the student here consists in searching out and examining an immense number of little fragments of information which singly seem unintelligible, to establish definitions and discover originals, until out of a chaos of details are seen the outlines of forms which developed gradually and during a long time. No part of this subject is more difficult to understand or has been less understood than certain committees of the council, which were for a great while passed by as things vague and trivial, or misinterpreted and hastily described. The problem is an intricate one, and the result may be thought barren and not worthy of much labour; but inasmuch as the student of council and cabinet stumbles upon it at every turn, I propose to examine it minutely and in detail.

During the earlier Stuart period and also after the Restoration the privy council was divided into committees, some of which became all-powerful and engrossed all important business, and were, indeed, the ancestors of the later cabinet. The committees of this period were parts of the privy council, made up of certain councillors named by the king for the superintendence of particular business; that is to say, they were temporary or standing committees of limited membership. In the years after 1660 a great number of temporary committees were formed, and from time to time important standing committees were instituted, particularly in 1668 and 1679, when the council was re-formed.¹ But while considerable success was achieved with this system, it

* [It may be desirable to state that this article was received before the publication of Mr. Temperley's Note on Inner and Outer Cabinets in our April number.—*Ed. E. H. R.*]

¹ *State Papers, Dom.*, Charles II, cclxxvi. 374-83; *Privy Council Register*, lx, 12 February 1667/8; lxxviii, 22 April 1679.

was frequently difficult to get work accomplished. Many of the tasks were arduous and uninspiring, so that members would not attend.² Furthermore, there were certain officials particularly trusted by the king, while it was natural that some members because of their activity and their interest in affairs should appear evidently more fitted for the transaction of business than their colleagues. The result was that even in the early years after Charles returned to England the numerous committees of his council were largely manned by a few of his select councillors,³ and this was notably the case when several standing committees were constituted at the same time. Some members were put upon so many committees that their council duties occupied them almost entirely.⁴

Concentration of committee work in the hands of a few members was brought about more thoroughly still. Some councillors were not only put on several committees, but permitted to be on all of them. When the committee of foreign affairs was formed in 1668 the members named were in addition to 'his Royall Highness who is understood to be of all Committees where he pleases to be'; and the regulation adds: 'His Majestys further meaning is . . . that his Two Principall Secretaryes, of State, be ever understood to be of all Committees.'⁵ By 1679 it seems to have been recognized that certain important officials were by virtue of their position on all committees,⁶ and that others were so by the king's special command.⁷ In 1690, when Godolphin was sworn of the council, the entry which follows in the Register is: 'The Right Honourable the Lord Godolphin added to all Committees.'⁸ Sometimes the members of one committee were all together put upon another one also.⁹

² Pepys, *Diary*, 27 February 1664/5; Privy Council Register, lv, 15 November 1661. 'His Majesty was pleased to Direct the Lords of the Council that now in his absence the Committees be better attended then of late, particularly the Committee of Trade & Plantations': *ibid.*, lxxiii, 30 May 1690.

³ State Papers, Dom., Charles II, civ. 139-48.

⁴ Diary of the Earl of Anglesey, Brit. Mus., Add. MS. 18730, January 1679 and following; also State Papers, Dom., Charles II, ccccxiv, 12 June 1683.

⁵ Privy Council Register, lx, 12 February 1667/8.

⁶ A correspondent, after naming some of the members of the new committee of intelligence, adds, 'And of course the Lord Chancellor, Lord President and two Secretaries, who are of this as well as of all other Committees': Sir Robert Southwell to the Duke of Ormonde, 22 April 1679, *Hist. MSS. Commission Reports, Ormonde MSS.*, new series, iv. 504. The order establishing the committee of intelligence names the lord chancellor and the lord president, 'who with the two Secretaryes may be present at all Committees, as often as they see fit': Privy Council Register, lxxviii, 22 April 1679.

⁷ 'His Majesty was pleased this day to command That Sir Robert Carr Chancellour of the Dutchy be of all Committees of this Boord': *ibid.*, lxxix, 20 October 1680.

⁸ *Ibid.*, lxxiv, 20 November 1690.

⁹ Ordered that 'the Committee of this Boord appointed for Trade and plantations, be likewise a Committee for the affaires of Jersey and Guernsey': *ibid.*, lxxviii, 7 May 1679; also lxxiii, 26 February 1688/9.

What was apparently the reverse of this process of concentration was the appointing of all the members of the council to be on a committee. Most probably this was done because it was difficult to get many members to come, and also because it was very certain that no great number besides the important, dependable members would attend. In 1668 a large committee of trade and plantations and a large committee of grievances were appointed, but 'his Majestys further meaneing' was 'That to these Two last Committees any of the Councill may have liberty to come and Vote'.¹⁰ The first instance of all the council being appointed a committee occurred in 1679 :¹¹

His Majesty was this day pleased in Councill to order, That there be a Committee of Examinations appointed, to meet for inquiring into all Things relating to the Plot. That all the Lords of the Councill be of the said Committee, and that their Lordships meet on Saturday morning next, and so from time to tyme, as their Lordships shall see cause, and appoint, and that their Lordships do omit nothing, That may expresse their Care and Zeale in the Vigorous Prosecution of the Plot.

Next year Charles ordained that 'the Lords of his Majestys most Honourable Privy Councill or any three or more of them bee . . . a Committee of this Board to take care for the redemption of Captives now in Slavery att Algiers, Sally & other places on the Coast of Africa'.¹² A few years later the Earl of Moray writes : 'This afternoon the wholl Councill uas turned into a Committy for consideringe of the time and maner of the King's Coronatione,'¹³ this being, apparently, the first explicit reference to a committee of the whole council. In 1688 the whole council was appointed a standing committee for trade and plantations.¹⁴ A little later the lords of the council were appointed to examine the accounts of money collected for the poor : 'The Councill to be a Committee' is the note which the clerk makes in the margin of the Register.¹⁵

It has been said that the year 1688 marks a definite change in the character of committees of the privy council, to the extent that while before this time they were separate, limited committees of definite membership, afterwards they were all committees of the whole council, and therefore all of them virtually one and the same.¹⁶ The transition was, however, much more gradual, as might be expected ; for just as the committee of the whole council makes its appearance in the reign of Charles II, so his limited

¹⁰ *Ibid.*, lx, 12 February 1667/8.

¹¹ *Ibid.*, lxxviii, 28 May 1679.

¹² *Ibid.*, lxix, 15 September 1680.

¹³ *Hist. MSS. Comm. Rep., Buccleuch MSS. (Drumlanrig)*, ii. 44.

¹⁴ Privy Council Register, lxxii, 27 January 1687/8.

¹⁵ *Ibid.*, lxxii, 27 April 1688.

¹⁶ C. M. Andrews in *American Historical Review*, xvi. 120.

standing committees were reappointed by James II,¹⁷ and such committees were appointed by William III, and were appointed for a long time after. In 1689 certain councillors were chosen a 'Committee for the Affaires of Ireland'. At the same time certain others were instructed to consider methods of giving notice to foreign princes of his majesty's accession, while twelve became 'a Committee of this Boord for Trade & Forrain Plantations'; and many such instances occur.¹⁸ In 1694 another standing committee for the affairs of Ireland was appointed.¹⁹ Anne in her first council caused certain members to be 'a Committee to take Care of the Disposall of the late Kings Body', and a few days later she chose eighteen councillors for 'a Committee of this Board, to consider of the manner of the Coronation'.²⁰ Subsequent occasions of coronation or funeral saw groups of this kind,²¹ but otherwise few limited committees were constituted now;²² the principal exceptions being those appointed to deal with bills transmitted from the parliament of Ireland. In 1709 Anne appointed thirteen members to consider an Irish bill and report their opinion in council.²³ A month later she ordered that eleven of the members just named and three others should be a committee for the consideration of several bills from Ireland.²⁴ As time went on it became customary to appoint a committee of limited membership to examine the bills prepared in each session of the Irish parliament.²⁵

It is none the less true that after the Revolution the council committees become, nearly all of them, committees of the whole council. Almost always when they are appointed they are specially constituted to include all the council members, while committees which seem at first to have been limited in the number who composed them, acquire the character of the prevailing type. In 1693, the queen being in council with twelve members, it was 'this day Ordered by Her Majesty in Council, that the Lords of the Council now present, be . . . a Committee, to examine the

¹⁷ Privy Council Register, lxxi, 20 February 1684/5.

¹⁸ *Ibid.*, lxxiii, 14, 16, 26 February 1688/9, 6 June, 1 July 1689; lxxiv, 19 February 1690/1, 30 July, 3 November 1691; lxxv, 29 March 1694; lxxvi, 30 December 1694.

¹⁹ *Ibid.*, lxxv, 29 November 1694.

²⁰ *Ibid.*, lxxix, 8 March 1701/2, 26 March 1702.

²¹ *Ibid.*, lxxxii, 30 October 1708; lxxxv, 30 August 1714.

²² *Ibid.*, lxxxvi, 22 March 1719/20; c, 6 March 1746/7.

²³ *Ibid.*, lxxxii, 9 June 1709.

²⁴ *Ibid.*, 11 July 1709.

²⁵ *Ibid.*, lxxxiii, 10 July 1710; lxxxv, 6 January 1715/16; lxxxvi, 17 October 1717; lxxxviii, 14 November 1723; xc, 29 July 1727, 15 February 1727/8; xci, 25 November 1729, 25 November 1731; xcii, 27 November 1733; xciii, 6 November 1735; xciv, 22 November 1739; xcvi, 3 December 1741; xcvi, 19 November 1743; xcix, 7 November 1745; c, 4 November 1747; ci, 23 November 1749; cii, 31 October 1751; ciii, 14 November 1753; civ, 11 November 1755; cv, 28 October 1757; cvii, 9 November 1759.

Business of Proving Great Guns'.²⁶ There were during the first years of William and Mary several standing committees of limited membership, such as the committee of trade and the committee for Ireland, but few, if any, new ones were formed. In 1693 occurs what is probably the first formal designation of a committee of the whole council. Upon reading a memorial about the ship *Fortune* :²⁷

It is Ordered by His Majesty in Council ; That the Consideration of that whole matter, bee, and it is hereby referred to a Committee of the whole Council who are to meet on Munday morning next at Nine a Clock, and having heard the matter, Report the State thereof . . . to his Majestic in Council.

A few days after a proposal of the lords commissioners of the admiralty brought before the king in council is also ' Referrd to a Committee of the whole Councill '.²⁸ In 1695 the lords justices order that the councillors be a committee for determining a claim, and the clerk's note thereupon is : ' Councill appointed a Committee to hear the Claims of the Heralds, &c.'²⁹ On numerous occasions now matters which arise in council, and which would in the days of Charles II have been referred to temporary committees composed of a few members, are referred for further consideration to ' a Committee of the whole Councill ', ' the Lords of the Committee of the whole Councill ', or ' all the Lords of the Councill '.³⁰ In 1700 the councillors are appointed a committee to inspect the lists of justices of the peace.³¹ During the last years of William apparently no more limited committees were appointed, and particular business was now referred as a matter of course to all the lords to act as a committee, or to committees which in origin were limited in membership but which were fast becoming also committees of the whole council.³²

Anne continued to deal with business in this manner. In 1702 she referred a report of the attorney-general to ' the Committee of the whole Councill '. In the year following she ordered ' That the Lords of the whole Council be, and are hereby appointed a Committee ' to examine certain proceedings ; and about the same time she referred to such a group a bill from Ireland.³³ In 1704 a communication about the colliers of Newcastle combining to keep up the price of coals was referred by the queen to ' a Committee of the whole Councill '.³⁴ In 1707 the lords were thus ordered to consider various matters relating to the Act of Union.

²⁶ *Ibid.*, lxxv, 14 September 1693.

²⁷ *Ibid.*, 7 December 1693.

²⁸ *Ibid.*, 11 January 1693/4.

²⁹ *Ibid.*, lxxvi, 11 July 1695.

³⁰ *Ibid.*, 23 January 1695/6, 19 November, 10 December 1696.

³¹ *Ibid.*, lxxviii, 25 April 1700.

³² *Ibid.*, lxxiii-lxxviii.

³³ *Ibid.*, lxxix, 2 July 1702, 25 November, 17 December 1703.

³⁴ *Ibid.*, lxxx, 25 May, 1704.

About this time a dispute between the earl marshall and the lord great chamberlain is referred to 'a Committee of Her Majestys most Honourable Privy Councill', without naming any members to compose it.³⁵ In 1710 the regulation of the coal trade is referred to 'a Committee of the whole Council', later on the case of the Canary merchants, and afterwards complaints against the late governor of Barbados.³⁶ In 1714 a report concerning Pennsylvanian laws is made 'By the Lords of Her Majesty's Most Honourable Privy Council in a Committee of the whole Council'.³⁷

Immediately after the death of Anne the drafts of her wills were referred to 'a Committee' to which the lords justices appointed thirteen members by name, 'and any other Lords of the Councill that will be present,' and at the first meeting of which the attendance was fifteen. A few days later a committee was appointed in the same manner to consider plans for the coronation.³⁸ More important, however, it was that very shortly after George I arrived in England a standing committee of the whole council was formally established for several kinds of business:³⁹

That the whole Privy Council or any Three or more of them be, and hereby are appointed a Committee for the Affairs of Jersey and Guernzey, Hearing of Appeals from the Plantations, & other Matters that shalbe referred to them, And that they proceed to hear and examine such Causes as have been Referred to Committees of the Council by Her late Majesty.

A little while after the lords of the council 'in a Committee of the whole Council' prepare a report about the quartering of his majesty's arms.⁴⁰ In 1715 it was ordered that all reports, petitions, and other papers depending before the council be referred to 'the Lords of the Committee of the Whole Councill' to examine them and give such directions as their lordships should judge proper.⁴¹ It would be useless to multiply examples of what now came to be the usual, indeed the regular, procedure.

How strong the tendency was towards making committees of the privy council, which had originally been parts of the council composed of particular members, gatherings which might be attended by any councillors who chose to come, is shown by the gradual change of standing committees formerly limited in membership into committees of the whole council. The standing committees appointed after the reorganization of the privy

³⁵ Privy Council Register, lxxxi, 13 March 1706/7, 29 April 1707.

³⁶ *Ibid.*, lxxxiii, 16 July, 2, 30 November 1710.

³⁷ *Ibid.*, lxxxiv, 20 March 1713/14. This is spoken of as 'a Committee of the whole Council' in Journals of the Committee of Trade and Plantations, Colonial Office, 391, xxiv, 9 June 1714.

³⁸ Privy Council Register, lxxxv, 3, 5, 30 August 1714.

³⁹ *Ibid.*, 1 October 1714.

⁴⁰ *Ibid.*, 23 November 1714.

⁴¹ *Ibid.*, 23 September 1715.

council in 1679 were the committee of intelligence, the committee for Ireland, the committee for Tangier, and the committee for trade and plantations. The committee for Tangier lapsed when that possession was abandoned to the Moors, but the others were by general order continued by James at the beginning of his reign, the committee for trade and plantations becoming a committee of the whole council in his last year. After the Revolution the work of the committee of intelligence was done by the cabinet and by 'the lords of the committee' hereafter to be described. By special orders William constituted a committee for Irish affairs and a committee for trade and plantations. Both these committees tend to lose their character of limited membership, though select committees continued for a long while to be appointed for the consideration of bills sent to Whitehall from Ireland. By 1694 the committee of trade was getting to be a committee of the whole council, and a memorandum in the journal of its meetings declares that 'Upon Summoning Committees all the Lords of the Council are to have notice'.⁴² The committee for Jersey and Guernsey was coming also to be merely an aspect of the committee of council, for in 1695 the clerk, writing an account of council routine, says, 'Any Jersey affair or complaint to ease the whole Council Re[ferred] to the Comm. of Jersey or of the whole Council'.⁴³ In 1696 the king ordered that 'all the Lords of the Council or any Three or more of them, be Appointed a Committee' for the hearing of appeals from the plantations.⁴⁴ In 1697 a complaint from Jersey is considered 'At a Committee of the whole Council'. Three years later an act of assembly passed in Nevis is by the king in council referred to 'a Committee of the whole Council, who are to Report to His Majesty what their Lordships Conceive fitt to be done thereupon'.⁴⁵

How little of individuality or of limitation now pertains to what at first glance might seem to be various council committees, is shown by the merging of one committee into another, until, as has been well said, there is only one committee of the privy council.⁴⁶ Various names still persist, but they serve only to remind the student of what had once been true. In 1694 the Privy Council Register contains minutes of one meeting of the

⁴² Journals of the Committee of Trade and Plantations, Colonial Office, 391, vii, 1 August 1694.

⁴³ Edward Southwell, Privy Council Routine, Add. MS. 34349, fo. 19. He mentions no other committees, though of course he alludes to the council of trade, which had recently been established.

⁴⁴ Privy Council Register, lxxvi, 10 December 1696.

⁴⁵ *Ibid.*, lxxviii, 22 October, 1700.

⁴⁶ Andrews, *American Historical Review*, xvi, 120; J. Munro in *Acts of the Privy Council of England, Colonial Series*, ii, intro., pp. vi-xi; iii, intro., pp. viii, ix. In these writings may be found the most important accounts of the committee of the whole council hitherto published.

committee of trade and plantations, two of the committee for Ireland, and nine of the committee for Jersey and Guernsey.⁴⁷ After the establishment of the board of trade in 1696 much colonial business is referred from the privy council to the committee for hearing appeals from the plantations, while the committee of Jersey and Guernsey long continues to hold numerous meetings.⁴⁸ There are also meetings of 'the Lords of the Committee for Plantation Affairs', of 'a Committee of the Lords of the Privy Councill for Plantation Affairs', and of 'the Lords of the Committee of Councill for Plantation Affairs';⁴⁹ but these committees are far from confining themselves to the business which their titles ascribe to them. In 1713 a 'Committee for hearing of Appeals from the Plantations' attended to business concerning Guernsey as well as Barbados and Pennsylvania; and in 1734 such a committee dealt not only with business of Rhode Island and Antigua, but with the Isle of Man, and with disorder in Hertfordshire and Cornwall.⁵⁰

Sometimes these varied interests are recognized in a more inclusive general title,⁵¹ but they are more clearly to be perceived in titles which show that contemporaries saw little distinction between various committees, and understood well that they were all of them committees of the whole council, practically a single great committee, directing its attention now to business of one kind, now to another, and frequently to several different kinds on the same occasion. In 1698 there is a meeting of 'the Committee for hearing Appeals from the Plantations, For the Affaires of Jersey and Guernzey And for the Redemption of Captives'.⁵² There are numerous meetings of committees for Jersey and Guernsey and for hearing appeals from the plantations.⁵³ In 1705 there are minutes of 'the Committee for Examining into the Bills Transmitted from Ireland, And for the Affaires of Jersey & Guernsey'.⁵⁴ There is a great variety of such titles: 'the

⁴⁷ Privy Council Register, lxxv, lxxvi.

⁴⁸ *Ibid.*, lxxvi, 15 April 1697; lxxvii, 4 July, 2 September, 21 October, 25 November 1698, 29 June, 16 August, 9, 13 December 1699; lxxviii, 3 May 1700; lxxix, 18 March 1701/2; lxxxiv, 14 October 1713; lxxxvi, 29 January, 5 March 1717/18, 3 May, 10, 25 July, 15, 16 August, 19 November, 15, 17 December 1718; lxxxvii, 8 June, 16 November 1721; lxxxviii, 1, 22 February 1722/3, 26 July 1723, 12, 21 May 1724; xc, 5 July, 16 December 1727.

⁴⁹ *Ibid.*, lxxxvii, 14 December 1721; lxxxviii, 27 August 1723; xc, 20 September 1727; xcii, 8 January 1733/4.

⁵⁰ *Ibid.*, lxxxiv, 14 October 1713; xcii, 16 July 1734.

⁵¹ 'By the Right Honourable the Lords of the Committee of Council for hearing Appeals from the Plantations and other Business': *ibid.*, xcvi, 11 November 1740.

⁵² *Ibid.*, lxxvii, 2 September 1698.

⁵³ *Ibid.*, lxxvii, 2 August 1699; lxxviii, 22 May, 28 June 1700; lxxix, 8 December 1702, 8 January 1702/3; lxxxii, 6, 15 December 1709; lxxxvi, 17 March 1717/18, 29 April 1718; and *passim*.

⁵⁴ *Ibid.*, lxxx, 30 April 1705.

Committee for Examining Witnesses, about the Dispute between Ld. Great Chamberlain &c And for considering the Irish Bills'; 'the Committee, touching the Ship Cathrine Condemned in Scotland, & for Jersey & Guernsey'; 'the Lords of the Committee for the Irish Bills, And for Hearing Appeals from the Plantations, Jersey and Guernsey'; 'the Committee for their Majestys Coronation, as also for Plantation Affairs'; 'a Committee . . . for the Irish Bills and for the Affairs of Carolina'; 'the Lords of the Committee of Council for Foreign Affairs'.⁵⁵ And the character of these committees, which is known in so many ways, is also revealed specifically in such titles as 'the Committee of the whole Council to Consider of Barbado's Lawes, And for the Affaires of Jersey and Guernsey'; 'the Committee of the Whole Councill and for the Affaires of Jersey and Guernsey'; 'the Committee of the whole Council to consider of the Irish Bill against Popery'; and 'a Committee of the whole Councill for Enquireing into the Ill Practices for Raising the Price of Coales, and to consider the Draught of a Charter for Importing Navall Stores from the Plantations'.⁵⁶ In another way that which had come to be is well exhibited in the title, as when 'the Rt. Honourable the Lord's of the Committee of the whole Councill' attend to matters relating to the pensioners of Chelsea College, Alderney, Jamaica, and Guernsey; or when 'A Committee of the Lords' attends to matters concerning the Isle of Man, Minorca, and the Bahama Islands.⁵⁷ By 1723 council business is very largely referred to 'a Committee of the Lords of His Majestys Most Honourable Privy Council', most of the minutes are headed 'a Committee of the Lords', and these committees deal with matters relating to the colonies and to the Channel Islands just as do the committee of appeals and the committee for Jersey and Guernsey.⁵⁸

The development of all committees, whatever name they may have, into one committee of the whole council is formally recognized again in the council order issued at the beginning of the reign of George II: ⁵⁹

It is this day ordered by His Majesty in Council, That the whole Privy Council, or any three or more of them, Be, and they are hereby appointed a Committee for the Affairs of Jersey and Guernsey for hearing Appeals from the Plantations and for other . . . Matters that shall be Referred to them.—And that they proceed to hear and Determine such Causes as have been referred to Committees of the Councill by His late Majesty, and Report the same with their Opinion thereupon to His Majesty at this Board.

⁵⁵ *Ibid.*, lxxxi, 14 May 1707; lxxxii, 13 May 1710; lxxxix, 20 November 1725; xc, 21 September 1727, 19 March 1727/8; xovi, 23 April 1741.

⁵⁶ *Ibid.*, lxxix, 6, 9 July 1702, 5 January 1703/4; lxxx, 17 June 1704.

⁵⁷ *Ibid.*, lxxxiv, 27 July 1713; lxxxviii, 15 February 1722/3.

⁵⁸ *Ibid.*, lxxxviii.

⁵⁹ *Ibid.*, xc, 5 July 1727.

And when a few months later the privy council was dissolved and a new one named, these regulations were at once renewed.⁶⁰ After 1714, indeed, the name of a committee signifies little, for most of the committees deal with business of different kinds. Apparently their titles denote merely what was first considered, or chiefly considered, or what was beforehand specially intended to be considered.

Although select, temporary committees of limited membership continued to be appointed, often now committees of the whole council were appointed instead, or else limited committees came in practice to be committees of the whole council, and as time went on were formally acknowledged to be such, and attended to business other than that for which they were supposed to be appointed. Previously limited committees had sometimes been appointed to attend to funerals or coronations, but George II ordered 'That all the Lords and others who have been Sworn of His Majestys Most Honourable Privy Council or any three of them, Be . . . a Committee to Consider of the preparations necessary to be made for the Coronation of their Majestys'.⁶¹ In 1751 in a privy council of thirty-two it was ordered that 'the Lords of the Council Present together with such others of His Majestys most Honourable Privy Council as shall attend or any three of them be appointed a Committee for His late Royal Highness the Prince of Wales's Funeral'.⁶² Irish Bills continued to be referred ostensibly to limited committees, but this in the end was merely a matter of form. In 1716 a committee of eleven was appointed, and the clerk summarizes the order: 'Ireland Publick Bills referred to a Select Committee of the Council.' Shortly after they met as 'the Lords of the Committee appointed to Consider the Bills transmitted from Ireland'. A week later they were 'the Lords of the Committee for the Irish Bills: And for the Affairs of Jersey & Guernsey'; a month after, 'the Lords of the Committee for the Irish Bills, and other Affairs'. A few days more and they are again 'the Rt. Honourable the Lords of the Committee for the Irish Bills', though they deal not merely with Ireland, but with Jersey and Guernsey. At these meetings are present some who were not in the beginning on the 'Select Committee'.⁶³ In 1721 following the appointment of a committee of nineteen are the minutes of 'the Lords of the Committee for the Irish Bills', which show that they reported on three Irish bills, and continue: 'Their Lordships afterwards Sate as a Committee for the Affairs of Jersey and Guernzey.'⁶⁴ In 1725 for the examination of Irish

⁶⁰ Privy Council Register, xc, 20 September 1727. ⁶¹ *Ibid.*, 5 August 1727.

⁶² *Ibid.*, cii, 22 March 1750/1.

⁶³ *Ibid.*, lxxxv, 6, 17, 25 April, 27, 31 May 1716.

⁶⁴ *Ibid.*, lxxxvii, 11, 23 November 1721.

bills a committee of thirteen is appointed by name 'together with such other of the Lords of the Council as are in Town, or any three of them'.⁶⁵ Two years later, immediately after the appointment of a committee of the whole council for the coronation, it holds a meeting as 'the Lords of the Committee for their Majestys Coronation, and for the Irish Bills'.⁶⁶ In 1728 'the Committee of His Majestys Most Honourable Privy Council for the Irish Bills, and for Plantation Affairs' deals with Irish bills, a new charter for the York Buildings Company, and with business concerning Barbados and Carolina.⁶⁷

Committees of the whole council met usually in the council chamber in the Cockpit in Whitehall.⁶⁸ Meetings of the privy council were held not infrequently at Hampton Court, Kensington, or St. James's, and as time went on some committee meetings also. They were held frequently, so that faithful attendance must have been an onerous duty. In 1694 there were fifty-five meetings of the committee of trade and plantations.⁶⁹ For 1718 the Privy Council Register contains minutes of twenty-two committees of the whole council.⁷⁰ There may have been many more, for it is certain that all committees are not recorded in the Registers. In 1723 there are records of twenty-one meetings; in 1728, thirty-two; in 1731, forty; in 1753, twenty-five.⁷¹ The increasing importance of these committees as compared with the council is shown by the fact that as time goes on the minutes of the committees have nearly as much space in the record as the minutes of the councils themselves.⁷² They are recorded as meetings of the committee of trade and plantations, of appeals from the plantations, for Jersey and Guernsey, for Irish bills, and very frequently of 'the Committee'. The king was hardly ever at such a gathering; but it was very rare that the lord president did not preside. The attendance varied considerably. There were many meetings of seven, nine, ten, or twelve; there were some which had only three or four, and others which were attended by eighteen, twenty, or twenty-five.⁷³ The meetings of the privy council were usually larger, but not very much so, ranging from six or eight to twenty or twenty-five, with sometimes twice as many.⁷⁴

⁶⁵ *Ibid.*, lxxxix, 18 November 1725.

⁶⁶ *Ibid.*, xc, 8 August 1727.

⁶⁷ *Ibid.*, 7 March 1727/8.

⁶⁸ Journals of the Committee of Trade and Plantations, Colonial Office, 391, and Privy Council Registers, *passim*.

⁶⁹ Colonial Office, 391, vii.

⁷⁰ Privy Council Register, lxxxvi.

⁷¹ *Ibid.*, lxxxviii, xc, xci, ciii.

⁷² In the ninety-fifth volume of the Register, for 1739, 1740, minutes of committees have far more space than those of the council itself.

⁷³ *Ibid.*, lxxxix, 23 February 1725/6; xc, 14, 18 September, 2 October 1727.

⁷⁴ For a meeting at which the king was present with forty-eight councillors, see Privy Council Register, civ, 26 April 1755.

If the attendance fluctuated, the personnel varied much more. At committees of the whole council any or all of the members might be present, but I know of no instance where they all assembled together, and it was not often that more than one-fifth of the councillors made up a committee. But if only a small number of councillors attended a particular meeting, a large number attended the different meetings in the course of any period. Thirty-one different members were present at the meetings of the committee of trade and plantations in 1694. Usually, however, there was a nucleus of powerful leaders or members specially interested or fitted for the work, which accounted for the activity of these committees. The twenty-one committees of the whole council recorded in 1723 were attended by thirty-three different members, but the lord president, the master of the rolls, the bishop of London, and two others were the frequent attenders, while twenty-one members came three times or less.⁷⁵ In 1728 thirty-five members came to the thirty-two committees, but nineteen attended less than six times, six was the average attendance, and eleven was the largest number that ever assembled. In 1731 thirty-six members came to the forty committees: the lord president was absent only once, Horatio Walpole came twenty-seven times, Lord Chief Justice Raymond twenty-two, the master of the rolls seventeen, and several others almost as frequently; but only eleven members attended as many as one-fourth of the meetings. In 1733, when there were sixty-five members of the privy council, only twenty-two attended the various committees of the whole council, and never more than ten at one meeting.⁷⁶ It may be said that for the most part the conspicuous members of the council who made up the cabinet were not present.⁷⁷ The time of meeting was sometimes arranged in council when a matter was referred to committee, sometimes appointed by the lord president, and sometimes arranged in committee itself.⁷⁸ When necessary, members were notified by the messengers attending the privy council.⁷⁹

In short, then, various committees of the whole council under different names, or frequently with no other name than 'the Committee', meet sometimes on the days when privy council meetings are held, sometimes on different days, usually in the privy council

⁷⁵ Privy Council Register, lxxxviii.

⁷⁶ *Ibid.*, xc, xci, xcii.

⁷⁷ In 1731 Walpole and Newcastle were present only seven times, and Townshend not once: *ibid.*, xci.

⁷⁸ *Ibid.*, lxxxv, 4 December 1716; lxxxviii, 4 July 1724; Treasury Board Papers, T 1, ccxxxv, fo. 97.

⁷⁹ 'Waite on the Lords of His Majestys Most Honourable Privy Council with Notice that a Committee of their Lordships is appointed to meet in the Council Chamber at the Cockpit Whitehall on Saturday the fourth of this Instant July 1730 at Eleven of the Clock in the forenoon': State Papers, Dom., Various, i, 4 July 1730.

chamber in Whitehall. A large number of members attend the different meetings, but most of the committees are small. There is a little nucleus which tends to make up these committees, and certain well-defined groups to some extent make the nuclei of committees which attend to particular kinds of work, as, for example, the committee of Jersey and Guernsey and the committee of appeals from the plantations.

Many different kinds of work were passed in review. Often the committees attended principally to the work which their titles indicate. Usually it will be found that a committee of trade and plantations will deal mostly with colonial matters, a committee for Jersey and Guernsey principally with the Channel Islands, and an Irish committee largely with Irish affairs, while committees designated merely as committees of the whole council frequently meet for the consideration of business which the king in council has referred directly to them ; but while this is true for the entire period, it becomes constantly less so as time goes on. Almost from the first such committees deal with business which might seem to be more properly within the purview of committees having other names, and by the middle of the eighteenth century they deal indiscriminately with all sorts of matters, and much of the council business which is referred is given simply to 'the committee' or to 'the lords of the committee of council'.

The business dealt with is very largely colonial, Irish, domestic, or concerns such outlying places as Jersey and the Isle of Man. There is much consideration of treaties in their bearing upon commerce and plantations, but foreign affairs are ordinarily never dealt with. Petitions are considered and reports made upon them in council. Matters relating to the customs, the navigation laws, the recommendation of colonial officials and the drawing up of their instructions are dealt with first by the committee of trade and afterwards by the board of trade along with the committee of council.

Colonial boundaries, complaints about colonial officials, appeals from decisions rendered in colonial courts, acts of assembly passed in colonial legislatures, are considered in the committee of trade, in the board of trade, the committee of appeals from the plantations, or 'the committee'.⁸⁰ The procedure as regards the privy council in its relations with the committees of the whole council on the one hand and the board of trade on the other is not entirely clear. Usually during this period, and entirely in the latter part of it, colonial matters brought before the privy council

⁸⁰ Colonial Office, 391, vii, 3 August 1694 ; xv, 11 August 1702 ; xlviii, 27 March 1740 ; lvii, 15 March 1749/50 ; Privy Council Register, lxxxiii, 13 December 1710 ; lxxxiv, 24 November 1712 ; lxxxvi, 15 December 1718 ; lxxxviii, 17 April 1724 ; xc, 6 June 1728 ; xci, 23 July 1731 ; xcix, 12 June 1746.

were not considered there, but referred either to one of the committees of the whole council, such as the committee for plantation affairs, or the committee of appeals, or 'the committee', or to the board of trade. As a rule the procedure was for the king in council to refer such matters to the committee, after which the committee would refer them to the lords commissioners of trade; these would presently report to the committee, and this would afterwards report to the council, which almost invariably acted upon the report delivered by the committee.⁸¹ In 1732 eight acts passed in Massachusetts were laid before the queen in council. 'Her Majesty was thereupon pleased with the Advice of His Majesty's Privy Council to Order that the same Be . . . Referred to the Right Honourable the Lords of the Committee of Council for Plantation Affairs.' A few days later 'a Committee of the Lords' considered them and referred them to the board of trade for examination and report back to the committee.⁸² In 1752 the lords justices in council dealt with thirty-three acts of Massachusetts, 'Which said Laws having been under the Consideration of the Lord's Commissioner's for Trade and Plantations and also of a Committee of the Lord's of His Majesty's most Honourable Privy Council, The said Lords of the Committee this day presented the said Laws to their Excellency's at this Board, with their Opinion that the same were proper to be approved'; and they were approved accordingly.⁸³ In this case the report of the lords of the committee to the council was exactly as the report of the lords commissioners had been to them. During this period the privy council exercises a great deal of supervision over the board of trade, but its supervision consists largely in referring the representations of the lords commissioners to a committee of the whole council. Formally the council, which has lost so much of its old authority, superintends a great deal of colonial business, but its method is invariably to refer this business to the board or the committee. Sometimes matters are referred directly to the board of trade, but very often reference is made to the committee, which in turn, if it sees fit, refers to the board. More and more plantation business comes to be almost entirely under the control of the committee of the whole council, which reviews and supervises the work of the board of trade.⁸⁴ Occasionally the board of

⁸¹ Privy Council Register, xcii, 2 August 1733; cii, 11 March 1752. It may be remarked that there is considerable fluctuation in the activity and importance of the board of trade, and that any decrease in its authority or its industry may usually be measured in a corresponding increase in the activity of the committee of the whole council dealing with colonial and commercial matters. There does not seem at times to be any explanation of this, other than might arise from the personality of the members of the respective groups.

⁸² *Ibid.*, xcii, 21, 25 July 1732.

⁸³ *Ibid.*, ciii, 30 June 1752.

⁸⁴ *Ibid.*, xcvi. In 1740, for example, the Journals of the Committee of Trade and

trade reports directly to the council, and its representations are sanctioned without further reference, but this is not the usual procedure. Towards the middle of the eighteenth century it may be said that the privy council seems to exist largely for the purpose of dealing with colonial business, colonial acts, appeals and petitions from the plantations, orders, instructions, and appointments; but this means that for the most part it merely ratifies what the committee decides is best to be done.

The Irish business dealt with concerns, the bills proposed in Dublin and sent to the privy council in London for review. These bills are referred to select committees, which as time goes on become committees of the whole council. The business from Jersey and Guernsey has to do mostly with the settlement of disputes and the consideration of doleances or complaints.

Finally, a great variety of business petty and important is referred from the council either to 'the Lords of the Committee' or to some committee of the whole council with particular title. Divers petitions are dealt with in this fashion. In 1715 it was ordered by the king in council 'That all Petitions Presented and Depending before this Board be . . . referr'd to the Right Honourable the Lords of the Committee of the whole Council to Examine the Same and Give Such Directions thereupon as their Lordships Shall judge Proper'.⁸⁵ Perhaps this was nearly equivalent to asking such lords as would to attend to them. The miscellaneous matters which were referred were such as a petition from one who had been cheated, the names of the deputy lieutenants and justices of the peace for the several counties, examining the conduct of Vice-Admiral Graydon in his passage to the West Indies, the report of the lord mayor of London about a combination of traders to raise the price of coals, petitions for discharge from quarantine, the granting of a patent to make malleable iron with pit coal, the papers relating to Wood's half-pence, drafts of town and borough charters, hearing of appeals from the courts of admiralty about prizes, the dispute about the boundary between Maryland and Pennsylvania, the demolition of a turnpike in Hertfordshire.

The relation between the privy council and the committee of the whole council during this period is that, with the exception of certain old, formal routine, gradually nothing remains to the council but the referring and the perfunctory approbation of business, and that all council activity is centred in the committee. The summoning and dissolving of parliament and convocation, orders, declarations, proclamations, the appointment of officers,

Plantations are scanty, and small meetings are attended by unimportant people: Colonial Office, 391, xlvi.

⁸⁵ Privy Council Register, lxxxv, 23 February 1714/15.

discharge of ships from quarantine, are always formally decided in council, but otherwise it does little but refer to the committee of council and sanction what the committee decides. By the beginning of the reign of George II this has come to be entirely so, and it continues to be the case afterwards.⁸⁶

That the committee of council has become the essence and active part of the council, and the council practically the committee meeting in formal fashion to give official sanction, is shown by the facility with which one changes into the other. In 1672 a committee of foreign affairs was ordered to be a privy council.⁸⁷ One of Shrewsbury's notes is to the effect that 'The Committee being turned into a Council' certain things were done.⁸⁸ In 1721 there are minutes of a meeting of 'the Right Honourable the Lords of the Committee for the Affairs of Jersey, Guernsey, and the Plantations, &ca.', beneath which is written: 'Their Lordships Sitting afterward as a Councill, Dispatch't the following Business.'⁸⁹ About the same time a committee recommends that a report be confirmed in council, and thereupon sits as a council and confirms the report accordingly.⁹⁰ There is now an increasing number of instances where certain lords sitting as a committee transact business, and afterwards sit as a council and transact other business, usually the formal sanctioning of mere routine. In 1740 the lords of the committee appointed to consider the Irish bills, after considering one of them, sat as a council and issued an order.⁹¹ Sometimes the reverse takes place. In 1681 a council after doing some business turned itself into a 'Committee for the Affaires of Ireland'.⁹² In 1746 certain members in council attended to various matters, and 'Afterward their Lordships sat as a Committee and dispatcht the following Business'.⁹³ By the middle of the eighteenth century this interchange of function has become so frequent as no longer to be exceptional.

Such was the development of the committee system of the privy council in the period 1688-1760. There were at first a few standing committees of limited membership appointed for particular purposes, and, indeed, this practice was continued in exceptional cases for a long while. Gradually, however, all the

⁸⁶ In 1729, in the margin of a paper entitled 'List of Business for the Council', it is noted that several reports are to be approved: State Papers, Dom., Various, i, 19 August 1729. In 1730 the clerk writing the minutes of 'a Committee of the Lords' enters a memorandum in the margin, 'This Report was never approved of'; but such instances are rare: Privy Council Register, xci, 15 April 1730. See *ibid.*, lxxxvii, 27 August 1718; xcii, 21 July 1732.

⁸⁷ State Papers, Foreign, Entry Books; elxxvii, 13 April 1672.

⁸⁸ *Hist. MSS. Comm. Rep., Buccleuch MSS. (Montagu House)*, II. i. 324.

⁸⁹ Privy Council Register, lxxxvii, 20 February 1720/1.

⁹⁰ *Ibid.*, 26 April 1721.

⁹¹ *Ibid.*, xcvi, 4 March 1739/40.

⁹² *Ibid.*, lxix, 28 February 1680/1.

⁹³ *Ibid.*, xcix, 6 January 1745/6.

committees of the council seemed to become committees of the whole council, whatever their titles and whatever the business with which they dealt, and were then, apparently all of them, the one committee of the whole council in different guises or attended by different members. This committee in the end absorbed all the activity of the privy council, and finally became more important than the council itself. It dealt, however, with nothing but council business, and never concerned itself with important matters of state. But there was a committee of a very different kind which did do this, and which became of the greatest importance in the government of England. With respect to this committee arise the most baffling problems connected with the development of the cabinet.

If the ordinary committees of the whole council, of which there are such numerous minutes in the council registers, never meddle with affairs of state, if they seldom meet in the presence of the king, if their membership fluctuates widely, one becomes aware, particularly in the time of William and of Anne, that there is another, more elusive body, which constantly attends to the most important matters, which frequently assembles with the king, and is attended largely by the same group of important leaders, and that this body, which at first sight might well be taken for the cabinet council, is constantly alluded to as 'the Committee', and its members as 'the Lords of the Committee'. In the letter books of the secretaries of state this body appears to be more important than any other.

There are various vague allusions to small gatherings in the time of Charles II,⁹⁴ and after the Revolution the allusions become clearer and much more frequent.⁹⁵ Soon there are found scattered at random through the state papers, which are the papers of the secretaries of state, minutes of meetings which were attended by the leading statesmen and often by the king, and which are endorsed 'Committee of Council';⁹⁶ and among the private papers of Shrewsbury may be found a great number of minutes which he himself wrote while he was secretary, recording the activity of a small group of powerful leaders usually with the king, some of whose gatherings he describes as 'Committees.'⁹⁷ It is apparent at once that these meetings are different from the committees which are recorded in the registers, and they can hardly ever be identified with the ordinary committees of this period of which the minutes are extant.⁹⁸

⁹⁴ State Papers, Dom., Charles II, ccccxv, 15 June 1683; State Papers, Dom., Entry Books, lxiv, 7 March 1683/4, 14 April 1684.

⁹⁵ State Papers, Dom., Entry Books, xcvi, 20 September 1689, 10, 11 June 1690.

⁹⁶ State Papers, Dom., William and Mary, v.

⁹⁷ *Hist. MSS. Comm. Rep., Buccleuch MSS. (Montagu House)*, II, i, ii.

⁹⁸ Compare, for example, State Papers, Dom., William and Mary, v, 12 February

The importance of this body is shown by the frequent presence of the sovereign and also by the lists of the members who attended. 'I have represented to the Queen at the Committee what you writt to me,' says Nottingham in 1690.⁹⁹ In 1693 'the Queen at the Committee' hears of matters relating to a court martial.¹⁰⁰ Shrewsbury's notes usually mention the king as present. 'Their Lordships went to attend Her Majesty at the Committee of the Council,' say the minutes of the board of trade in 1702, following an order of the queen to attend her at the committee at St. James's.¹⁰¹ 'I am commanded to acquaint Your Lordship, that the Lords of the Committee of Councell attend Her Majesty to morrow at Six a Clock in the evening in the Councill Chamber at St. James's,' writes Secretary Hedges to Lord Chief Justice Holt.¹⁰² Mary attended the committee sometimes, and William frequently, and Anne also in the earlier years of her reign. After the coming of the Hanoverians the presence of the sovereign at the committee is more exceptional even than at meetings of the cabinet.¹⁰³

The membership of this committee is also strikingly different from those which are recorded in the journals of the committee of trade or the privy council registers, which are attended during any considerable period by a large number of different members. This body is composed almost entirely of the same members, most of them the powerful leaders who are governing England. Thirteen meetings reported by Secretary Trenchard in February, March, and April, 1694, at which the average attendance was eight, were attended by fourteen different members. Actually a group of twelve composed these committees, along with the

1693/4, with Privy Council Register, lxxv, 5, 8 February 1693/4, and Colonial Office, 391, vii, 2, 12 February 1693/4; State Papers, Dom., Entry Books, xcvi, 16 March 1692/3, with Privy Council Register, lxxv; State Papers, Dom., Entry Books, xcix, 2 May 1693, with Privy Council Register, lxxv, and Colonial Office, 391, vii; *Hist. MSS. Comm. Rep., Buccleuch MSS. (Montagu House)*, II. i. 61, and State Papers, Dom., William and Mary, v, 8 April 1694, with Privy Council Register, lxxv, and Colonial Office, 391, vii; *Buccleuch MSS.*, II. i. 141, with Privy Council Register, lxxv, 27 September 1694; State Papers, Dom., Entry Books, civ, 7 May 1702, with Privy Council Register, lxxix; State Papers, Dom., Entry Books, cx, 12 October 1710, with Privy Council Register, lxxxiii; Colonial Office, 391, xxii, 19 March 1710/11, with Privy Council Register, lxxxiii; *Bolingbroke's Letters and Correspondence* (London, 1798), i. 279 (13 July 1711), with Privy Council Register, lxxxiii; *ibid.* ii. 69 (15 December 1711), with Privy Council Register, lxxxiii; and numerous other instances. But Privy Council Register, lxxv, 22 April 1694, may have reference to State Papers, Dom., William and Mary, v, 22 April 1694; and compare *Buccleuch MSS.* II. i. 109, with Colonial Office, 391, vii, 1 August 1694.

⁹⁹ State Papers, Dom., Entry Books, xcvi, 8 July 1690.

¹⁰⁰ *Ibid.*, 3 October 1693.

¹⁰¹ Colonial Office, 391, xv, 2 July 1702.

¹⁰² State Papers, Dom., Entry Books, cv, 29 April 1704.

¹⁰³ For a possible instance in 1717, see State Papers, Dom., Entry Books, celxvii, 9 January 1716/17. On one occasion, in 1729, Queen Caroline was present at 'the Committee of Council': State Papers, Dom., George II, xiv, August 1729.

king, who was present nine times.¹⁰⁴ Practically the same members meet again and again in the committees of council of which Shrewsbury took minutes.¹⁰⁵ There is, in short, about the membership of these various meetings, so far as the names of those who attended are given, about as much sameness as there is in the case of meetings of the cabinet. It is obvious that a select group composes them, dominates them, and attends them, largely to the exclusion of others.

Another difference is the kind of work with which this powerful committee deals. It does not confine itself to Irish, plantation, or Jersey business, or to such minor matters as the privy council usually refers to committees of the whole council, but deals with any or all of these things as it sees fit, along with a great number of those important affairs of state which by the end of the reign of Charles II had passed from the privy council entirely. It is, indeed, not like the committees of the whole council, which do their business in subordination to the council, but strikingly like the committee of foreign affairs before 1679, or the committee of intelligence afterwards, and even more like the cabinet, from which at times it is virtually indistinguishable.¹⁰⁶ In addition to the superintendence of a vast number of miscellaneous minor matters which relate to Ireland, the colonies, the admiralty, the treasury, the regulation of local officials, and the maintenance of local order,¹⁰⁷ this committee conferred with foreign represen-

¹⁰⁴ State Papers, Dom., William and Mary, v, 4, 8, 12, 13, 18, 25 February, 4, 18, 25 March, 1, 8, 21, 22 April 1694. Twelve meetings of committees of the council are recorded in the Register for 1694, attended by twenty-two different members, fifteen of them attending three times or less: Privy Council Register, lxxv, lxxvi.

¹⁰⁵ For 1694 he gives minutes of twenty-one meetings, at which eighteen different members were present, of whom eleven attended four times or less, at which the largest attendance was twelve, and the average less than seven. Most of these meetings are not specifically described, but seven of them are either named committees or alluded to as such. At these latter meetings fifteen members were present at different times; nine attended four times or less; and the average attendance was seven. For 1695 he gives record of seventeen meetings, attended by thirteen different members, the largest number at one time being eleven, and the average less than eight. Practically these meetings were composed of a group of nine. For the next year he records nineteen meetings attended by eleven members besides the king. Only one member was present so few times as eleven, and the average number at a meeting was nearly nine. In reality here was a compact body of the same members. For 1697 he records only three meetings, attended by fourteen different members, of whom the average number present was nine. See *Hist. MSS. Comm. Rep., Buccleuch MSS. (Montagu House)*, II, i, ii. It may be observed that these most important minutes are throughout designated by the editor as 'Privy Council Minutes', notwithstanding that they are sometimes headed by Shrewsbury himself 'Committee of Council' or 'Committee' (*Buccleuch MSS.*, II, i, 61); while Dr. W. Michael considers them to be meetings of the cabinet (*Zeitschrift für Politik*, v. 556). A few meetings are certainly of the cabinet, and more of them may be, but there are numerous allusions to the contrary (*Buccleuch MSS.*, II, i, 107, 116, 122, 125, 141, 266, 287, 313).

¹⁰⁶ See my paper on 'The Development of the Cabinet, 1688-1760', part I, *American Historical Review*, xviii, 762-5.

¹⁰⁷ See *ibid.*, pp. 761, 762.

tatives, prepared treaties, and dealt with matters of policy and government. And while it seemed only to undertake preparations and preliminary consideration, and presented only recommendations, as did the other committees, yet there is an air of decisiveness about what it does which is far more noticeable than in the representations alluded to in the council registers.

In 1692 the king communicated the design on Brest to the committee.¹⁰⁸ In 1702 the lords commissioners of trade are informed that 'The Dutch Ambassadors pressing for a Dispatch of the Treatys sent to your Lordships for your Consideration, the Lords of the Committee of Council doe desire that you will let your Opinion thereupon be ready to be laid before them to Morrow'.¹⁰⁹ At the same time they 'think it necessary for her Majestys Service that the State of the Fleet at home be laid before them every week'.¹¹⁰ 'I suppose your Lordship has heard the Lords of the Committee are preparing to send Recruits to the Duke of Ormonde,' writes Secretary Hedges to the lord treasurer.¹¹¹ Their lordships receive, consider, and refer numerous memorials and petitions, and direct all sorts of things military, naval, and local, so that it might almost seem as though the principal executive and administrative work in England was carried on by them. Sometimes important matters are arranged by them to be done in council. Nottingham writes to the lord keeper and asks him for suggestions as to what should be said to the judges about to go on circuit and as to what should be put in the queen's speech. He adds: 'if your Lordship . . . can be at leisure to Come to the Committe att my office to morrow morning these things may be adjusted preparatory to the meeting of the great Council'.¹¹² 'Attended in Morn[ing] Committee of Council at the Secretary's, where the Foreign Letters read, and Answers directed, & Minutes taken by the Secretary, in order to write Answers accordingly,' says a diarist.¹¹³ On one occasion St. John receives a command to attend 'next Sunday night the Committee of Council at Windsor, and bring with you an account of the Troops which are designed to be embarkt for Portugal and Spain this Summer'.¹¹⁴ At another time the queen in committee deliberates whether or not papers requested by the House of Lords shall be submitted by the secretary of state.¹¹⁵ It was in the committee of council that the treaty of Utrecht was considered.¹¹⁶

¹⁰⁸ *Lords' Journals*, xv. 155.

¹⁰⁹ State Papers, Dom., Entry Books, ci, 24 June 1702.

¹¹⁰ *Ibid.*, civ, 30 June 1702.

¹¹¹ *Ibid.*, ci, 1 October 1702.

¹¹² *Ibid.*, civ, 6 July 1702. See also cv, 22 February 1704/5.

¹¹³ *Diary of Earl Cowper* (Roxburghe Club, 1833), p. 4.

¹¹⁴ State Papers, Dom., Entry Books, cvi, 22 July 1707.

¹¹⁵ *Ibid.*, 11 January 1707-8.

¹¹⁶ 'The whole event of our treaty turning on this article of the reunion, I should not think our affairs in a very good situation, had I not reason to believe that the

It is very difficult to determine the nature of this committee. So closely does it resemble the cabinet in structure and activity that the two have often been confused with each other. How easily such confusion arises may be seen from three communications which follow each other in the same letter-book. The under-secretary writing to the postmaster-general says : ¹¹⁷

I am commanded by the Lords of the Committee of Council in the absence of my Lord the Earle of Nottingham to acquaint you, that they would have you publish the designe of Mr Dummer's Vessell to the West Indies, in such manner as is usuall and you shall judge best, that the Merchants and persons concerned may have due notice of it.

On the same day he writes to the prince's council :

The Lords of the Committee of Council having thought it fit that Mr Dummers Vessell which pursuant to his Contract is now to saile to the West Indies should be praised by the Navy Board, and also the other Vessells to be employed in that Service, I am commanded in the Absence of my Lord the Earle of Nottingham to acquaint you with it, that you may send the necessary Orders to that purpose.

And at the same time he writes to Mr. Dummer :

I am commanded by the Lords of the Cabinet Council in the absence of my Lord the Earle of Nottingham to acquaint you, that their Lordships would have you order their Vessell to saile to Portsmouth as soon as ready, there to expect sailing Orders.

It would almost seem at times as though the members themselves regarded the committee and the cabinet as the same. But that there was a distinction is not to be doubted.¹¹⁸

Constantly the lords who make up this group are referred to as 'the Committee of Council', 'the Committee of Lords', or 'some Lords of the Council', and there can be no doubt that the body was regarded as a committee of the privy council by the officials who composed it or had dealings with it. In 1690 Nottingham writes : 'There having lately been some tumults in Cornwall . . . and the Lords of the Committee of Council' being informed of it, they desire that in the future care be taken to prevent such riotous meetings.¹¹⁹ 'The Committee of Council will meet at my

Treasurer knows, that this expedient, or something very near to it, will be closed with by the French Court. I may tell you, in the utmost confidence, that the first hint was given by him, in the Committee of Council, and, by several expressions which dropped from him, when alterations were started, I could plainly find, that he knew what would be most, and what least agreeable at Versailles': Bolingbroke to the Earl of Strafford, *Letters*, ii. 299, 300. For an account of the work of the committee in connexion with the preliminaries of the Treaty of Utrecht, see St. John to Queen Anne, *State Papers*, Dom., Anne, xvi, 20 September 1711.

¹¹⁷ *State Papers*, Dom., Entry Books, cxlvi, 16 September 1702.

¹¹⁸ See *American Historical Review*, xviii. 765.

¹¹⁹ *State Papers*, Dom., Entry Books, xcvi, 10 June 1690.

Office to morrow at 4. a Clock,' he informs the governor of the East India Company somewhat later.¹²⁰ Evidently such a committee was coming to be well recognized, for in 1693 the House of Lords petitions the king, 'That He will please to order, That such Proceedings as were lately in Council, or the Committee of Council, relating to the Admirals, or Sir *George Rooke*, may be laid before this House'.¹²¹ 'His Majesty has directed I should lay your Excellency's letter of the 16th before him,' writes Shrewsbury to the lord deputy of Ireland, 'the first time a Committee of Council waits upon him, which I think will be in a day or two.' And in the minutes of a meeting which he records the next day, he says: 'My Lord Deputy's letter of Nov. 16th, read.'¹²² In 1702 the Board of Trade Journals record that:¹²³

Mr. Penns Charge against Col. Quarry . . . together with Colonel Quarys said Answer . . . were laid before the Board: And whilst their Lordships were reading the same a Message from the Lords of a Committee of Council met at the Earl of Nottinghams Office, requiring their Attendance in relation to some matters laid before them by Mr. Penn, the Board attended accordingly: . . . Their Lordships acquainted the Lords of the Committee with the many delays made by Mr. Penn. . . .

In 1704 Nottingham asserts that the fact that he first received the confession of Sir John McLean 'is very evident in the Narrative of that Plott given into the House of Lords by her Majesty order and approbation of the Committee of Council'.¹²⁴

Undoubtedly, then, it was a committee of the privy council. Throughout this period there was a constant tendency for all council committees to become committees of the whole council; and it is possible that this committee was sometimes regarded as such. One may not say this with absolute certainty, but there are very many indications which point to its being so. Frequently this body is called by names which are also constantly used to designate committees of the whole council: 'committee,' 'the committee', 'a committee of council', and 'the lords of the committee'. A thing which becomes more and more common as council committees come to be committees of the whole council, is the metamorphosis of committee into council in a single meeting. In 1696 one set of Shrewsbury's minutes state that 'The committee being turned into a Council, the embargo was taken off, and notice ordered to be given to the merchants that with the first fair wind their convoys should be ready'.¹²⁵ Somewhat

¹²⁰ State Papers, Dom., Entry Books, 16 March 1692/3. See cxlvi, 2 May 1693.

¹²¹ *Lords' Journals*, xv. 319.

¹²² *Hist. MSS. Comm. Rep., Buccleuch MSS. (Montagu House)*, II. i. 265, 266, 267. See also pp. 286, 287.

¹²³ Colonial Office, 391, xv, 26 June 1702.

¹²⁴ Hatton-Finch Papers, Add. MS. 29587, fo. 128.

¹²⁵ *Buccleuch MSS.*, II. i. 324.

before this time Shrewsbury, recounting the work of a 'Committee', says that the admiralty was directed to make full report concerning the commissioners of the sick and wounded; and three weeks later in the minutes of a meeting at Kensington, at which were present the king and twelve others, he says: 'The Lords of the Ad[miralty] delivered their report upon the Com[missioners] of Sick and Wounded, and upon the petition of the Com[missioners] they are ordered to be heard at a Committee, when the whole Council are to be summoned.'¹²⁶ In 1711 St. John writes to the lords commissioners of trade: 'In the absence of My Lord Dartmouth I have . . . acquainted the Lords of the Committee that the African Company & other Persons concern'd are appointed to attend at Eleven of the Clock on Thursday next, at which time such of the Lords of the Council as can possibly attend will not fail to be at Your Office.' The lord president, the lord treasurer, and Secretary St. John attended.¹²⁷ In this year also he records that 'The Lords of the Committee of Council met this morning at the Cockpit, and directed the Earl of Dartmouth and myself to confer with Monsieur Mesnager'.¹²⁸ On this very day there was a meeting of fourteen in the council chamber at Whitehall headed: 'The Right Honourable the Lords of the Council Meet in a Committee to Consider Mr Attorneys Reports on Irish Bills.'¹²⁹ In 1713 he referred to certain persons who were to meet the board of trade on 18 December, as 'the Lords of the Council who are to meet on Fryday at my Office'. Three days after 'The Lord Bolingbroke acquainted the Board, That Mr. Prior had signify'd that the French Commissaries were ready to come over so soon as ours should be ready to treat with them. . . . That Her Majesty therefore expected that such Matters as may be proper for Her Commissaries, should be immediately dispatch'd, and that during the Negotiation the Lords of the Cabinet-Council should be assistant to the Board in their Consultation upon those Matters.' Next day, the 18th, 'The Board being sent for to the Lords of the Committee of Council at the Lord Bolingbroke's Office: They went accordingly', and advised about the treaty of commerce with France.¹³⁰ In 1716 Townshend wrote to George I about business relating to Mardyke. In the English draft of his letter he spoke of 'the committee of Council'; but when this was translated into French for the king it became 'les seigneurs du conseil'.¹³¹

Evidently, however, there is some difference in this case inas-

¹²⁶ *Ibid.*, II. i. 61, 62.

¹²⁷ State Papers, Dom., Entry Books, cxi, 17 July 1711; Colonial Office, 391, xxii, 19 July 1711.

¹²⁸ *Bolingbroke's Letters*, i. 367.

¹²⁹ Privy Council Register, lxxxiii, 20 September 1711.

¹³⁰ State Papers, Dom., Entry Books, cxiv, 14 December 1713; Colonial Office, 391, xxiv, 17, 18 December 1713.

¹³¹ Coxe, *Walpole*, ii. 130.

much as in the beginning no committee of the whole council was ever formally appointed by the privy council to have general preliminary supervision of important affairs, and also because in practice the membership does not seem to have included any large number of the council members. Rather, in its origin this must have been an informal committee of the council, something like Clarendon's foreign committee before 1667;¹³² and although, at least in theory, it seems to have become a committee of the whole council, in practice at first the membership was certainly much restricted.

After the reorganization of the privy council in 1679 the king carried on the government with a small group of confidential advisers who, when the king was present, are frequently alluded to as the cabinet council, but who at other times appear as a powerful body of which the nature is not entirely clear. In 1689 a certain one testifying in the House of Lords about incidents several years before, declared that he knew the lord privy seal then, 'as he had seen his Lordship, both in the Privy Council, and in that which sat at the Secretaries Office'.¹³³ About this very time the secretary of state speaks of 'My Lords that use to meet here at my Office'.¹³⁴ There are numerous allusions such as:¹³⁵

His Majesty haveing directed that the Lords who Use to meet at the Secretaries Office, should some time this weeke have a particular meeting about the Citty Charter, & that My Lord Chief Justice and Yourself should be desired to be present, when the meeting is to be You shall have a Particular Notice from Mr Secretary Godolphin.

It was at meetings of this kind that the regulating of corporations was planned in 1687.¹³⁶

That these gatherings were of a select few is seen from the fact that they are often described as meetings of 'certain Lords of his Majestys Privy Councill' who come to the secretary's office in Whitehall.¹³⁷ Mary, writing of her experiences in 1690, says that when William was about to depart for Ireland, 'he made choice of 9 persons who should sit as a Committee during his absence; which were the Lord President, Lord Stuart, Lord Chamberlain, Lord Pembroke, the two Secretaries of State, Lord Chief Justice Holt, Mr. Comptroller and Mr. Vice Chamberlain'.¹³⁸ This appointment does not seem to have been made by the king in council, and by this committee was undoubtedly meant no more than the small group of intimate advisers to whom the king

¹³² *American Historical Review*, xix. 784.

¹³³ *Lords' Journals*, xiv. 385.

¹³⁴ *State Papers, Dom.*, Entry Books, lxiv, 7 March 1683/4.

¹³⁵ *Ibid.*, 14 April 1684.

¹³⁶ *Lords' Journals*, xiv. 388.

¹³⁷ *State Papers, Dom.*, Entry Books, xcvi, 20 September 1689.

¹³⁸ R. Doebner, *Memoirs of Mary* (Leipzig, 1886), pp. 23, 24.

committed his affairs during his absence. On some occasions, apparently, certain councillors were given to understand that their presence was desired, or else they were specially summoned.¹³⁹ In 1711 the secretary writing to the Duke of Argyle says: 'I am to acquaint Your Grace that some Lords of the Council are to meet to morrow at the Duke of Queensberrys Office, and that You are desired to be there at one a clock'; and in the margin of his letter-book is the note: 'to be at the Committee of Council.'¹⁴⁰ In 1718, when it was thought desirable to have more regular meetings, every Wednesday, notice was sent to twelve of the great officials.¹⁴¹

Sometimes this committee of lords was evidently the group put in charge of the king's affairs during his absence, those who were often alluded to as the cabinet when they did their work in his presence; but the notes of Shrewsbury and of Trenchard show that they were also called 'the committee' when the king was with them. Sometimes assembling in the presence of the king they are the cabinet, at other times either with the king or without they are the committee of the council. There are virtually the same members in both, and they do nearly the same kind of work, except that frequently the cabinet sanctions or completes what the committee begins. Usually the committee meets in the office of the secretary of state in Whitehall, the cabinet more often at the residence of the king. But the principal distinction, which appears to be vaguely but almost always in some manner recognized, is that if their function of privy councillors seemed the more important part of their work, they met as the committee of council; if they regarded themselves rather as the confidential advisers of the king, they assembled as his cabinet; but often between the two ideas there seems to be slight boundary.

In the reign of Anne this committee of council continues in great activity, and seems often to be more active than the cabinet itself. Early in her reign the queen recognized its importance:¹⁴²

Her Majesty thinks it for her Service that my Lords of the Committee of Council will be pleased to meet at the E[arl] of Nottingham's Office as often

¹³⁹ 'Mr. Recorder of London sent the enclosed list of persons convict for his Majesty's determination upon them, but it being impossible for the King at this distance to be informed of the circumstance of their cases, is pleased to direct that you summon the Archbishop, Lord Keeper, Lord Privy Seal, Lord Steward, Lord Chamberlain, Lord Godolphin to meet with yourself' for consultation about it: Shrewsbury to Secretary Trumbull, 27 October 1695, *Bucceleuch MSS.*, II. i. 247. At the seventeen meetings of which Shrewsbury gives minutes in this year these persons attended, respectively, 14, 16, 16, 10, 12, 16, and 12 times; that is, they practically made up the meetings which were apparently committees of council, and of which one is spoken of as such. ¹⁴⁰ *State Papers, Dom.*, Entry Books, cx, 9 February 1710/11.

¹⁴¹ *Ibid.*, cxix, 14 April 1718.

¹⁴² Secretary of state to the lord privy seal, *State Papers, Dom.*, Entry Books, ci, 6 September 1702.

as they think fitt, and as there shall be Occasion and tho' they cannot be attended with a Secretary of State, the Intelligences from abroad and particularly from the Fleet, will be laid before your Lordships for your Consideration' . . .

Frequently the queen or the secretaries of state referred matters to the committee, or summoned 'a Committee of Lords' to attend her.¹⁴³ Occasional minutes of meetings show that it was still made up of the important officials of the realm.¹⁴⁴ By the end of the reign its importance was probably on the wane;¹⁴⁵ or, in other words, the business was coming to be done in another manner, though this was not always to be seen.

After the accession of George I the change was not apparent for some time. A committee of council continues, as previously, to be active and important.¹⁴⁶ 'I went to *Court*, my Lord being gone to a Committee at the *Cockpit*,' says Lady Cowper in 1716.¹⁴⁷ During the first few years of the Hanoverian period the lords of the committee seem as active as under Anne, and are apparently the principal executive council of the nation. They consider matters before the privy council, which usually decides as they have resolved beforehand.¹⁴⁸ They are referred to constantly as 'the Lords of the Committee' or 'the Lords of the Committee of Council'.¹⁴⁹ On not a few occasions there can still be found minutes of their meetings.¹⁵⁰ The committee continues to deal with important business which is dealt with further and decided in meetings of the cabinet.¹⁵¹ At this time, indeed, an attempt is made to systematize the work of the committee and hold regular meetings: 'The Lords of the Committee of Council having found a great Arrear of business depending, and being desirous to bring their meetings into a Regular Method, I take

¹⁴³ State Papers, Dom., Entry Books, cv, 7 February 1704/5.

¹⁴⁴ *Dartmouth MSS., Hist. MSS. Comm. Rep.* 13, iv. 496.

¹⁴⁵ St. John to Marlborough, 8 June 1711, *Letters*, i. 238.

¹⁴⁶ State Papers, Dom., Entry Books, cxlvii, 5 October 1714, 14 July, 29 November 1715, 22 February 1715/16, 1 October 1716; cxviii, 28 July 1716; cclxvii, 21, 27 November, 14 December 1716; cxix, 5 February 1716/17; cxx, 19 August 1717, 16 January 1717/18; cxliii, 19 October 1722; State Papers, Dom., George I, vi, 14 December 1716; ix, 31 May, 9 June 1717; xv, 13 March 1718/19; liv, December 1724; State Papers, Dom., George II, xxvii, 12 June 1732.

¹⁴⁷ *Diary of Lady Cowper*, 20 February 1716.

¹⁴⁸ State Papers, Dom., Entry Books, cxvi, cxvii, cxviii, cxix.

¹⁴⁹ *Ibid.*, cxix, 31 December 1716.

¹⁵⁰ *Ibid.*, George I, ix, 9 June, 4, 18 September 1717; x, 16 October 1717. 'You will receive enclosed the Minutes of the Committee of Council upon Opening Thompsons Papers;' State Papers, Dom., Various, i, 14 September 1732.

¹⁵¹ 'The same day the Lords of the Committee met at the Cockpit, and the Answer to Mr. d'Iberville's Objections, which we had agreed to give him in writing, was framed and settled by the Lords. The next Day being Thursday it was laid before the Prince, and read to the Cabinet Council, where it was approved by H. R. H. & we have this Day sent it to Mr. d'Iberville': Methuen to Stanhope, State Papers, Dom., Entry Books, cclxvii, 8 September 1716.

leave to give Your Grace notice, that they have agreed there shall be a Committee at the Cockpit every Wednesday at Eleven in the Morning.'¹⁵² In 1722, when the bishop of Rochester was seized on suspicion of treason, 'He was carried straight to a Committee of Council at the Cockpit', as Guiscard had been years before.¹⁵³ About the same time a certain Christopher Layer was examined before 'a Committee of the Lords of the Council'.¹⁵⁴

But as time goes on there is accumulating evidence that the great committee at the Cockpit is less and less the partner or other self of the cabinet, and is coming more and more to be like other committees of the privy council, simply one phase, perhaps the most important one, of the committee of the whole council, from the ordinary aspects of which it can now less readily be distinguished. In 1729, 'Six Reports from the Lords of the Committee of Council' have to do with colonial matters and the charter of incorporation of a company to work mines in Scotland.¹⁵⁵ A 'List of Business for the Committee', about 1730, is entirely colonial business, of the kind referred to those committees of the whole council whose activities are recorded in the council Registers.¹⁵⁶ A meeting of 'a Committee of Counsell' at the Duke of Newcastle's office in 1741 was attended by the members of the cabinet, but was occupied partly with ordinary business for the privy council, and met the same day as the privy council itself.¹⁵⁷ The manner in which allusions are made now cause it to be less easy to draw any distinction between various committees of the council. 'On Monday there was a Committee of Council at the Cockpit, on some Complaints relating to the Government of New-York,' says a newspaper notice in 1719.¹⁵⁸ This might seem to refer to one of the committees of the whole council for plantation affairs. In the same year another notice records: 'To Day there was a Committee of Council at the Cockpit; after which, there was a Cabinet-Council at St. James's,' which would seem to refer to the select group of powerful lords who determined the destinies of the kingdom.¹⁵⁹ After a while it is no longer possible to determine which is meant or whether there is any difference: 'Yesterday Morning a Committee of his Majesty's most Hon. Privy Council was held at the Cockpit, Whitehall; at

¹⁵² Craggs to the Archbishop of Canterbury, *ibid.*, cxix, 14 April 1718.

¹⁵³ *Hist. MSS. Comm. Rep., Portland MSS.*, vii. 332; State Papers, Dom., Entry Books, cxxiii, 25 August 1722.

¹⁵⁴ State Papers, Dom., George I, xxxvi, 21 September 1722.

¹⁵⁵ *Ibid.*, Various, i, 19 August 1729.

¹⁵⁶ Add. MSS. 28133, fo. 76; 32993, fo. 136; 33004, fo. 47; Privy Council Register, xvi, 3 March 1740/1.

¹⁵⁷ *The Weekly Journal*, 28 February 1719.

¹⁵⁸ *The St. James's Evening Post*, 21 November 1719.

¹⁵⁹ *Ibid.*, 1733.

which the Right Hon. Sir Robert Walpole, and several of the Lords, assisted.'¹⁶⁰

That is to say, as time goes on a change becomes evident. The cabinet diverges more and more from the important committee of council, the cabinet increasing in importance and the committee declining. The explanation is probably to be sought in the circumstances of cabinet development under the first Hanoverians. So long as the sovereign, actually directing the government, as William did and as Anne did to a considerable extent, presided at cabinet councils, the lords of the cabinet, who were also privy councillors, did a great deal of business apart as a committee of the council, sometimes with the sovereign, but usually without him, and perhaps preferred to do it so. After the death of Anne, however, a great change occurred. George I soon ceased to attend cabinet meetings, and the cabinet councillors, meeting now in cabinets or in smaller private meetings, came gradually to do there a great deal of what they had formerly done in committees of the council. On the other hand, the committees which had been wont to meet in the secretary's office in the Cockpit, which may perhaps for some time in theory have been committees of the whole council, but which in practice were limited in membership and greater in power, now lost much of their power and became less exclusive, perhaps, in membership, and either disappeared or seemed to become actually what all committees of the council were, committees of the whole council.

I have attempted to trace the development of the privy council in the period 1688-1760, during which time its work was given almost entirely to committees, which became as time went on, apparently all of them, committees of the whole privy council; how in the earlier stages of the development cabinet councillors, because of old precedents and for the sake of convenience, did much of their work in a committee of the council, which for a long time seemed equal in importance and parallel in activity with the cabinet itself; and how finally, after 1714, the cabinet increased in importance, and the powerful committee, becoming more and more only the doer of such less important work as was performed by the effective part of the council, enlarged its membership, declined in importance, and, so far as it continued to exist, followed the trend of all other committees, until in the end it was merely one of the manifestations of the one committee of the whole privy council.

EDWARD RAYMOND TURNER.

¹⁶⁰ *The Daily Courant*, 7 October 1732.

The Juntas of 1808 and the Spanish Colonies

THE intrigues at the court of Spain which furnished Napoleon with a pretext for intervention in the affairs of his ally are well known. It is here only necessary to note the steps which led up to the appointment of King Joseph. At Bayonne, early in May 1808, Napoleon induced the ex-king, Charles IV, and his heir, who had been acclaimed by the Spaniards as King Ferdinand VII, to renounce their rights to the Spanish crown. A short time after the deposition of Ferdinand VII, Napoleon convoked a general deputation of Spaniards at Bayonne. On 6 June he issued an imperial decree proclaiming his brother Joseph 'king of Spain and the Indies'; and five days later, when the Spanish notables assembled at Bayonne, they recognized Joseph as their king. These notables adopted, with slight modifications, a Napoleonic statute as the constitution for Spain, which declared in Title X that 'the kingdoms and Spanish provinces in America and Asia' were to enjoy the same rights as the provinces of the Peninsula. On 8 July, in the presence of the Spanish notables, King Joseph swore to observe the constitution and to maintain the integrity and independence of Spain and her possessions. In his edicts and proclamations he ordinarily used the title 'Joseph Napoleon, by the grace of God and the constitution of the state, King of Spain and the Indies'.

The news of the startling changes in Spain was at once transmitted to the Indies. At the instance of Murat, on 13 May, Miguel José de Azanza, who had been minister of hacienda under Ferdinand, addressed a dispatch to the intendant of Caracas ordering him to suspend the execution of the royal order of 10 April directing that the elevation of Prince Ferdinand to the Spanish throne should be publicly celebrated. He also informed him of Ferdinand VII's journey to Bayonne, and of his abdication in favour of his father, who had made Murat the lieutenant-general of Spain.¹ As early as 19 May, Murat addressed a note to the captain-general of Chile affirming that the house of Bourbon

¹ J. Pérez de Guzmán, *El dos de Mayo de 1808 en Madrid*, pp. 854, 855.

had renounced its rights to the crown of Spain in favour of 'one of the august brothers of the emperor'. He declared that the Spanish people would soon behold the reins of government in the hands of a prince who was experienced

in the art of reigning and an appreciative judge of the virtue and merit of men. I shall consider myself very happy, if . . . I can promote the important object of reuniting all the Spaniards around a throne which is about to regain in Europe the elevated position which it should never have lost. To attain an end so essential to the prosperity of the monarchy, I calculate above all upon the zeal and vigilance of the illustrious persons holding important offices. Make this known to those serving under you who may by their influence and good example strengthen the bonds which unite those dominions with their ancient capital. More and more will the benefits of this union become reciprocal, and the perfidious suggestions by which our common enemy will attempt to destroy it may be frustrated: those rich dominions will advance to that state of prosperity which may satisfy the desires of the inhabitants.²

The French emperor also took steps to transmit news of the dynastic changes to the Indies. In May he wrote to Vice-Admiral Decrès, minister of marine, instructing him to send to Spanish America vessels freighted with dispatches, muskets, sabres, pistols, and bullets.³ On 22 May Napoleon wrote to Murat, 'You can announce at Madrid that six vessels have already left the ports of France carrying letters, proclamations, and instructions for Spanish officials in the Americas'.⁴ Although an authoritative list of French emissaries to the Indies has not been found,⁵ yet it is clear that measures were taken to forward the news of the fall of the house of Bourbon to Mexico, Venezuela, La Plata; and even Chile. The envoy whom Napoleon sent from Bayonne to the viceroyalty of La Plata was the Marquis de Sassenay. His general instructions, signed by Champagny in the end of May 1808, directed him to present to the viceroy of La Plata the papers with which he was entrusted, to collect information concerning the condition of the Platean provinces, and, if possible, of Peru and Chile. In particular, he was to

² J. Pérez de Guzmán, *El dos de Mayo de 1808 en Mad id*, p. 455.

³ *Correspondance de Napoléon I^{er}*, xvii. 90, 93, 129, 139. See further L. Lecestre, *Lettres inédites de Napoléon I^{er}*, p. 171; G. Roloff, *Die Kolonialpolitik Napoleons I*, pp. 256, 257.

⁴ *Correspondance de Napoléon I^{er}*, xvii. 186.

⁵ An alleged list of the commissioners of King Joseph in Spanish America, which was found among the papers of the captain-general of Venezuela in 1810, is printed in C. A. Villanueva, *Napoléon y la Independencia de América*, pp. 238-41. For instructions said to have been sent by King Joseph to an agent at Baltimore, see *ibid.*, pp. 242-5. An alleged list of Joseph's agents was sent by Lardizabal, minister of the Indies, to Calleja, viceroy of New Spain, on 22 May 1815: Archivo General de México, correspondencia de virreyes, 18/268. See also Roederer to Napoleon, 21 August 1811, Archives du Ministère des Affaires Étrangères, Amérique, 33.

observe the effect of the news from Spain upon the colonial officials.⁶ De Sassenay carried dispatches, dated on 17 May, addressed to certain viceroys and captains-general in South America. These dispatches reviewed the events which had occasioned the renunciation of the Spanish crown by Charles IV and the prince of Asturias. They declared that the emperor of the French would guarantee 'the independence of Spain, the integrity of her territory, and the unity of her religion' under the rule of his brother Joseph. The colonial officials were informed that they were confirmed in their appointments by the new sovereign.

King Charles and the royal family, after renouncing all their rights, have exhorted their peoples to obey the royal authority of the new monarch. . . . The dynasty has changed, but the monarchy still lives. You should honour and defend that part of it which is entrusted to your care, and prevent such a magnificent monarchy from losing a single one of its precious possessions. . . . The bond uniting France to Spain will become useful to the American colonies after it opens a vaster field to their commerce. The emperor will not lose from view the condition or the necessities of the region which you govern, and promises to aid the king, his brother, by sending all the necessary succour.⁷

Besides these dispatches, De Sassenay was given copies of the important state papers which recorded the dynastic changes in Spain.⁸ Near the end of May, Murat wrote to Napoleon that he intended to arrange everything at Ferrol for an expedition to Buenos Aires. He declared that he contemplated expeditions to the vice-royalties of New Spain and La Plata, the control of the provinces of which estuary he considered most important 'for the conservation of a large part of the Spanish colonies. . . . The English will not succeed in detaching them from the mother country.'⁹ There is other evidence to show that, in the mid-summer of 1808, Murat was planning a military expedition to South America.¹⁰

But the French were soon forced to pay more attention to the Peninsula itself. A spirit of opposition to their usurpation early became manifest in the principality of Asturias. The organ of discontent was the junta of that principality—an

⁶ Marqués de Sassenay, *Napoléon I^{er} et la Fondation de la République Argentine*, pp. 131-4.

⁷ Villanueva, *Napoléon y la Independencia*, pp. 172-5, from the French archives.

⁸ *Ibid.*, pp. 173, 174, note.

⁹ Murat to Napoleon, 23 and 25 May, 1808, Comte Murat, *Murat, Lieutenant de l'Empereur en Espagne*, p. 374. See further G. de Grandmaison, *L'Espagne et Napoléon, 1804-1809*, p. 328, note 1.

¹⁰ Translation of dispatch from F. F. Gil to the government of Buenos Aires, 25 May 1808, communicated by Sir Sidney Smith to the Admiralty Office, 24 March 1809: Public Record Office, War Office Correspondence, i. 163.

institution which seems to have descended from the medieval *concejo*.¹¹ That junta was composed of representatives of certain towns who occasionally assembled for legislative purposes at Oviedo, the capital of the principality.¹² After the news of the uprising of 2 May reached Asturias, these delegates met at Oviedo at the summons of Francisco Antonio Touves, *oidor* of the royal *audiencia* of that city.¹³ On 9 May, in the cathedral, the junta considered what measures should be taken for the preservation of the monarchy and for the defence of the country. It selected three members to form a plan of operations, and appointed envoys to inform the provinces of Galicia, Leon, and Santander of their proceedings.¹⁴ A short time afterwards a proclamation was addressed to the loyal Asturians by Alvaro F. Estrada, as the representative of the junta. He announced that the principality had formally declared war upon France, and made an impassioned appeal to his compatriots, reminding them of the heroic struggles of their forefathers against the Moorish invaders. He asked them not to forget that in the case of that invasion Asturias restored the Spanish monarchy.¹⁵ On 25 May the junta of Asturias determined to seek help from England, Napoleon's inveterate foe. The Asturians accordingly addressed a petition to King George III, declaring that they had taken up arms to win back the independence of the Spanish monarchy, if not indeed to procure the liberty of their captive sovereign; and asked the English government to furnish them succour in the struggle with Napoleon.¹⁶

Andrés de la Vega and Viscount Matarrosa, afterwards Count of Toreno, were entrusted with this petition. They had the good fortune to find an English privateer at Gijón, on which they embarked on 20 May. Landing at Falmouth on 6 June, they proceeded at once to London, accompanied by an officer of the British navy, and arrived there early in the morning of 8 June.¹⁷ According to Toreno, they soon met Wellesley Pole, the secretary of the admiralty, and George Canning, the secretary of state for foreign affairs.¹⁸ On 9 June *The Times*, mentioning the arrival

¹¹ F. C. Secades, *Memorias Asturianas del año ocho*, p. 41. ¹² *Ibid.*, pp. 42-4.

¹³ R. A. Valdés, *Memorias del Levantamiento de Asturias en 1808*, pp. 192, 193.

¹⁴ *Ibid.*, p. 194.

¹⁵ An undated copy of this proclamation is in Archivo Histórico Nacional, estado 70; a slightly different text is printed in Secades, *Memorias Asturianas*, pp. 121, 122, and Valdés, *Memorias*, p. 204.

¹⁶ Valdés, *Memorias*, pp. 202, 203. See further C. W. Vane, *Correspondence, Dispatches, and Other Papers of Viscount Castlereagh*, vi. 363, 364.

¹⁷ Count Toreno, *Levantamiento, Guerra, y Revolución de España* (México, 1839), i. 213; the *Times*, 9 June 1808. A brief mention is made of the Asturian mission to England by J. G. de Arceche, *Guerra de la Independencia*, i. 379; M. Hume, *Modern Spain*, pp. 131, 132; and by C. Oman, *The Peninsular War*, i. 66.

¹⁸ Toreno, *Levantamiento*, i. 213, 214. See also *The Times*, 9 June 1808.

of the Asturian deputies, said that if the Spaniards were 'in earnest, and unanimous in their determination to preserve their country from the shame and degradation of submitting to a foreign yoke', England was bound by every dictate of honour and policy to furnish them all possible assistance. On the same day the deputies sent a note to Canning embodying their requests. They asked that an English cruiser should guard the Asturian coasts, that the inhabitants should be supplied with ammunition, cannon, swords, and sabres, and that munitions should also be sent to the interior provinces of Spain.¹⁹ On the 12th Canning answered that the king of England saw 'with the most kindly interest the loyal and brave determination of the principality of Asturias to maintain against the unprincipled usurpation of France a struggle for the restoration and independence of the Spanish monarchy', and that his Majesty was disposed 'to afford every assistance and support to an effort so magnanimous and praiseworthy'. The envoys were informed that military supplies would be sent from England to Gijón, and that a naval force would be detached to the Asturian coast to prevent the French from introducing troops by sea. 'I am commanded', said Canning, 'to declare to you his Majesty's willingness to extend his support to all such other parts of the Spanish monarchy as shall show themselves to be animated by the same spirit which animates the inhabitants of Asturias.'²⁰ The arrival of the envoys from Asturias was soon publicly referred to in Parliament. On 15 June Sheridan said that, if the spirit of the Asturians should spread through Spain, 'since the first burst of the French revolution, there never existed so happy an opportunity for Great Britain to strike a bold stroke for the rescue of the world'.²¹ In his reply Canning declared that the cabinet would not consider that 'a state of war' existed between Spain and Great Britain, and announced with emphasis that the primary object of Great Britain would be to conquer from France 'the complete integrity of the dominions of Spain in every quarter of the world'.²²

The province of Galicia soon followed the example of Asturias. On 15 June representatives of various districts met at Coruña and affirmed that, because of the king's captivity in France, they assumed the sovereignty of Ferdinand VII. They declared that they were independent of the government at Madrid, and that

¹⁹ Public Record Office, Foreign Office Correspondence, Spain, 66; W. R. de Villa-Urrutia, *Relaciones entre España é Inglaterra durante la Guerra de la Independencia*, i. 128, 129.

²⁰ Foreign Office Correspondence, Spain, 66 (draft). A slightly different text is given in the *Annual Register*, 1808, 321, 322; a Spanish translation may be found in Valdés, *Memorias*, p. 203.

²¹ *Hansard's Parliamentary Debates*, xi. 886-8.

²² *Ibid.*, pp. 890, 891.

they were organizing an army to defend the legitimate rights of their sovereign as well as the liberty and honour of their country. The Galicians likewise commissioned two envoys, Francisco Sangro and Joaquin Freire de Andrade, to lay their case before the English government and appeal to England for aid against the French emperor.²³ On 26 June they arrived in London, where they were cordially received,²⁴ and soon afterwards presented their credentials to the English cabinet. In accordance with Sangro's instructions,²⁵ on 28 June they addressed a note to Canning expressing the hope that the generous government of England would aid them to restore their beloved sovereign, Ferdinand VII. They made four specific requests. First, they asked for a loan of two million duros, to be repaid as soon as money was received from America, or when the national government of Spain was established. Secondly, they desired passports for three frigates which were to sail from Spain for Vera Cruz, Buenos Aires, and Lima. Thirdly, they asked for the release of Spanish prisoners of war who were confined in England. Fourthly, they requested that a vessel should proceed to Galicia as soon as possible, in order to assure that province that England would send subsidies immediately.²⁶ Canning made a favourable reply,²⁷ and on 29 June Sangro informed the junta of Galicia that England would soon advance a subsidy of one million pesos, that Spanish soldiers who had been held as prisoners of war would be returned to Spain clothed and equipped, that an expedition of from eight to ten thousand men would be sent from Ireland to Vigo, and that passports would be granted to frigates destined for Spanish America.²⁸ On 30 June Canning sent to the Galician deputies admiralty passports for vessels which, in his words, were to proceed from Coruña or Ferrol to Buenos Aires, Lima, and Vera Cruz,

for the purpose of conveying to the Spanish dominions in South America intelligence of the loyal and brave determination of the kingdoms and provinces of Spain, to resist the tyranny and usurpation of France, and to maintain the independence and integrity of the Spanish monarchy.²⁹

In order to understand the significance of Canning's decision to support the Spanish patriots, it should be noticed that England had been seriously contemplating an attack upon the Spanish

²³ The jun of Galicia to 'V. M.', Coruña, 15 June 1808, Archivo Histórico Nacional, estado 71.

²⁴ Sangro to the junta of Galicia, 29 June 1808, *ibid.*

²⁵ 'Instrucciones reservadas pa. Sangro' (undated), *ibid.*

²⁶ Sangro and Freire to Canning, 28 June 1808, Foreign Office Correspondence, Spain, 66; Villa-Urrutia, *Relaciones entre España é Inglaterra*, pp. 144, 145.

²⁷ Canning to the Galician deputies, 29 June 1808, Foreign Office, Spain, 66.

²⁸ Archivo Histórico Nacional, estado 71.

²⁹ Canning to Sangro and Freire, 30 June 1808, Foreign Office, Spain, 66.

Indies. The chief promoter of the project was the remarkable Venezuelan, Francisco de Miranda, who on various occasions had urged England to intervene in Spanish America. He argued that this policy would enable England to inflict injury upon Napoleon's ally and to check any designs which France might form with regard to the colonial dominions of Spain. His belief was that, if he appeared upon the South American coast at the head of a liberating expedition, the oppressed inhabitants would rise in revolt; and he had even framed an elaborate constitution for an independent state to be founded in Spanish America. In 1808 Miranda had interested in this ambitious project Lord Castlereagh, the secretary for war and the colonies, and his friend, Sir Arthur Wellesley; and Wellesley had drawn up a plan for an attack upon the northern coast of South America with ten thousand soldiers, while Castlereagh had selected Wellesley to command the expedition. Wellesley had prepared detailed memoranda concerning the munitions necessary for the attack. A fleet was collected at Cork, and early in June 1808 thousands of soldiers were bivouacking upon the Irish coast ready to start.³⁰

But the news brought by the Asturian deputies caused England to make a radical change in her military plans. The result of the negotiations between the envoys of the Spanish patriots and Canning was that the English cabinet decided against dispatching Wellesley's force of about nine thousand men to the Indies. A dramatic scene occurred when Sir Arthur Wellesley broke the news to Miranda. Twenty-seven years later, he declared: 'I think I never had a more difficult business than when the government bade me tell Miranda that we would have nothing to do with his plan.'³¹ On 10 June, after mentioning Miranda, Wellesley, and the Asturian movement, *The Times* said that the expedition from Cork had been 'directed to proceed to Gibraltar instead of South America'. On the 30th Castlereagh instructed Wellesley that the object of the expedition was to counteract the designs of the French and to afford 'to the Spanish and Portuguese nations every possible aid in throwing off the yoke of France'; in accordance with the wishes of the envoys of Asturias and Galicia for a diversion in their favour, his soldiers were to be employed in 'the expulsion of the enemy from Portugal'; any military arrangement which he might make with the Spaniards or the Portuguese should be based upon the principle that the English policy was to restore and maintain 'the independence and integrity of their respective monarchies. . . . You will facilitate, as much as possible,' said Castlereagh,

³⁰ See my paper on 'Francisco de Miranda and the Revolutionizing of Spanish America' in the *American Historical Association Report*, 1907, i, especially pp. 399-413.

³¹ P. H. Stanhope, *Notes of Conversations with the Duke of Wellington*, p. 69.

'communications between the respective provinces and colonies of Spain, and reconcile, by your good offices, any differences that may arise between them in the execution of the common purpose.'³² Two days earlier Castlereagh ordered General Spencer, who was in command of an English detachment on the coast of Portugal, to place himself under Wellesley's command.³³ The soldiers on the Irish coast were reinforced, and Wellesley left London to take charge. The embarkation of the soldiers and munitions was soon completed, and on 12 July the expedition sailed from Ireland.³⁴

On 4 July, in the king's speech to Parliament a reference was made to 'the loyal and determined spirit' which the Spanish people had displayed in their resistance to Napoleon.

Thus nobly struggling against the tyranny and usurpation of France, the Spanish nation can no longer be considered as the enemy of Great Britain; but is recognized by his majesty as a natural friend and ally. . . . His majesty has no other object than that of preserving unimpaired the integrity and independence of the Spanish monarchy.³⁵

On the same day a proclamation of peace with Spain was issued, which declared that all hostilities against Spain were to cease at once; the blockade of Spanish ports was to be raised, unless they were under French control; all Spanish vessels were to be freely admitted into English ports; Spanish vessels at sea were to be treated by the English as the property of a friendly nation; and all vessels and goods belonging to residents of the Spanish colonies which might be seized by English cruisers, were to be kept in English ports until it was known whether or not those colonies had made 'common cause with Spain against the power of France'.³⁶

Even before this proclamation was published, England had sent to Asturias the news of her favourable attitude towards the patriots. Peace and an alliance between England and Spain had been proclaimed at Oviedo by the junta acting in the name of Ferdinand VII.³⁷ On 6 July Canning sent to the agents of Asturias and Galicia a Spanish translation of the state papers of 4 July relating to Spain. In transmitting these documents Canning expressed the belief that the Asturian and Galician juntas would consider the sentiments expressed in the king's

³² *Wellington Dispatches*, ed. J. Gurwood, iv. 16-19.

³³ Castlereagh to Spencer, 28 June 1808, Public Record Office, War Office Correspondence, i. 326.

³⁴ Wellesley to Castlereagh, on board the *Bengal*, 12 July; *ibid.* 228. The departure of the expedition is mentioned in *The Times* of 19 July. Cf. Oman, *The Peninsular War*, i. 226.

³⁵ *Hansard's Debates*, xi. 1140, 1141.

³⁶ *The London Gazette*, no. 16159, 2 July-5 July 1808.

³⁷ *Correio Braziliense*, ii. 21, 22; Hunter to Canning, 20 June 1808, Foreign Office Correspondence, Spain, 62.

speech and the measures prescribed by the proclamation as 'the most convincing proof of the interest which his Majesty takes in the glorious struggle now maintained by the Spanish nation against the usurpation of France'.³⁸ A day before, Canning informed the Galician deputies that the king had appointed Mr. Charles Stuart to reside in Galicia and to manage the communications between that province and England.³⁹ Stuart was to proceed to Coruña on his Majesty's ship *Alcmene* in company with Joaquín Freire, and to inform the junta of Galicia that the *Alcmene* carried two hundred thousand pounds in Spanish dollars as a loan to the Galicians from the government of England. Stuart was advised that whenever the Spanish patriots established a general government, England would lose 'no time in sending an accredited minister to reside at the seat of government wherever it may be fixed'.⁴⁰ At the same time Mr. John Hunter was sent as consul to Gijón to superintend the communications between England and the principality of Asturias. At Hunter's suggestion, on 20 July, a *Gazeta Extraordinaria* at Oviedo printed a translation of the king's speech and of the proclamation of 4 July.⁴¹

But the Spanish patriotic juntas were not content to open the negotiations with England which led to concerted action against Napoleon: they were also anxious to inform the Spanish-American colonists of the stirring events that had occurred at home. On 21 June the Asturian envoys in London wrote to José de Iturrigaray, the viceroy of New Spain, to acquaint him with the course of events which we have related.⁴² They addressed a similar dispatch to the viceroy of Peru.⁴³ On 22 July Stuart reported to Canning from Coruña that he had just asked the Galician junta what measures had been taken 'for the purpose of inducing the principal authorities in the Spanish colonies in America to follow the example of Old Spain, and at once to oppose every effort for their subjugation which might be made on the part of the French government'; and that the junta had assured him that no time would be lost in sending vessels to Montevideo, Carthagena, and Vera Cruz.⁴⁴ Accordingly,

³⁸ *Ibid.*, Spain, 66; Archivo Histórico Nacional, estado 71.

³⁹ Archivo Histórico Nacional, estado 71.

⁴⁰ J. H. Rose, 'Canning and the Spanish Patriots in 1808', in the *American Historical Review*, xii. 40, 41. See further the *Gazeta Ministerial de Sevilla*, 30 August 1808.

⁴¹ Hunter to Canning, 27 July 1808, Foreign Office Correspondence, Spain, 57.

⁴² Matarrosa and La Vega to the viceroy, governor, and captain-general of New Spain, 21 June 1808, Foreign Office Correspondence, Spain, 66 (translation). See further G. García, *Documentos históricos mexicanos, Obra conmemorativa del primer Centenario de la Independencia de México*, ii. 84, 85, 100, 101, 133, 134.

⁴³ Lord Liverpool to Bowyer, 22 June 1809, Colonial Office Correspondence, Windward and Leeward Islands, 25.

⁴⁴ Foreign Office Correspondence, Spain, 57.

Admiral Ruiz Huidobro, who had just been appointed viceroy of La Plata, soon sailed to Montevideo on the frigate *La Prueba*; ⁴⁵ and a memorial from the junta of Galicia addressed to him was circulated in the viceroyalty of La Plata, declaring that all the kingdoms of Spain had taken up arms and established juntas 'which represented the authority and power of their king'.⁴⁶

A junta which was formed in Seville took measures analogous to those in Asturias and Galicia. It commissioned Adrian Jacome and Juan Ruiz de Apodaca to proceed to London to make representations to the English cabinet; ⁴⁷ and on 6 June, ostentatiously assuming the title of 'the Supreme Governmental Junta of Spain and the Indies', it declared war on the French emperor.⁴⁸ Brigadier José M. Goyeneche, whom it appointed commissioner to announce the measures which the Spaniards had taken against Napoleon and to solicit contributions for their support,⁴⁹ proceeded to Buenos Aires,⁵⁰ where an undated manifesto from it was published to the following purport:

The Americas, as loyal to their king as European Spain, cannot refrain from joining her in so just a cause. The power of Spain and the power of the Americas will become as one for their king, their laws, their mother-land, and their religion. The same evils threaten the Americas, if they do not unite, as those which have afflicted Europe: the destruction of the monarchy and the subversion of the government and laws.⁵¹

In August the same junta sent Joaquín de Molina to Peru to inform the civil and military officials of the situation in the Peninsula and of the imperative necessity of preserving the bonds which united the American colonies to Spain; ⁵² and dispatched another commissioner, Captain Juan José San Llorente, to the viceroyalty of New Granada on a similar mission.⁵³ Likewise, it dispatched two commissioners, Colonel Manuel Jáuregui and Captain Juan Jabat, to the West Indies and the viceroyalty of

⁴⁵ J. Presas, *Memorias secretas de la Princesa del Brazil*, 42-7.

⁴⁶ G. René-Moreno, *Últimos Días coloniales en el Alto-Perú*, i. 338, n. 2.

⁴⁷ *Gazeta ministerial de Sevilla*, 19 August 1808; Jacome and Apodaca to Canning, 18 July 1808, Foreign Office Correspondence, Spain, 66.

⁴⁸ A copy of the proclamation is found in Archivo General de Indias, Indiferente General, estante 146, cajón 1, legajo 13.

⁴⁹ Florida Blanca to Marqués de Baxamar, 26 September 1808; the Audiencia of Buenos Aires to 'S.M.', 21 January 1809; and 'Testimonio de la Real Audiencia', Buenos Aires, 14 August 1808, Archivo General de Indias, Audiencia de Buenos Aires, 123. 2. 3; P. Torres Lanzas, *Independencia de América*, primera serie, i. 47, 51, 52.

⁵⁰ 'Testimonio de la Real Audiencia de Buenos Aires', 14 August 1808, Archivo General de Indias, Audiencia de Buenos Aires, 123. 2. 3; *Documentos relativos á los Antecedentes de la Independencia de la República Argentina*, 146-9.

⁵¹ René-Moreno, *Últimos Días coloniales*, i. 331.

⁵² *Documentos relativos á los Antecedentes de la Independencia de la República Argentina*, 39-41.

⁵³ *Índice de los Papeles de la Junta central suprema gubernativa del Reino y del Consejo de Regencia*, 51.

New Spain.⁵⁴ On 7 November, in accordance with its wishes, the Council of the Indies addressed a circular to the civil and ecclesiastical authorities, as well as the corporations, of Spanish America directing them to obey the decrees of the 'Supreme Governmental Junta of Spain and the Indies' as the depository of the authority of Ferdinand VII.⁵⁵

The arrival in London of the envoys from Asturias not only caused England to dispatch the expedition which had been destined for South America to the Iberian Peninsula, but also induced her cabinet to send special instructions to English officials in America. As early as 20 June, Lord Castlereagh informed the duke of Manchester, governor of Jamaica, that, as the insurrection in Asturias revived the hope of restoring the Spanish monarchy, the English government 'wished to suspend any measure tending to divide and therefore to weaken that monarchy'.⁵⁶ The duke was instructed to present those views in any correspondence which he might open with the viceroy of New Spain.⁵⁷ On 22 June Castlereagh ordered General Bowyer, commanding the English forces in the Leeward Islands, to forward to the Spanish-American colonies certain communications of the Asturian envoys.⁵⁸ Bowyer was instructed that if there were any reason to apprehend an attack by the French upon any of the Spanish-American colonies, England would support the resistance of those colonies 'by a sufficient force'.⁵⁹ Copies of the proclamation announcing the cessation of hostilities between England and Spain, as well as of the king's speech to Parliament, were soon sent to him for circulation in the Spanish-American colonies.⁶⁰ An English officer, Captain Christie, who carried the news of the altered relations between England and Spain from Curaçao to Caracas, declared that many colonists 'were clamorous for a declaration of independence with British protection'.⁶¹ On 12 March 1809,

⁵⁴ *Ibid.* 50, 52; *Documentos históricos mexicanos*, ii. 78, 84, 86, 94. More or less accurate news of the changes in Spain ultimately reached Chile, the most distant American colony of Spain: *Colección de Historiadores y de Documentos relativos á la Independencia de Chile*, viii. 9, 18, 24.

⁵⁵ J. F. Blanco, *Documentos para la Historia de la Vida pública del Libertador de Colombia, Perú, y Bolivia*, ii. 178, 179. The Council of the Indies, on 7 October 1808, sent to the viceroy of La Plata a copy of a letter which had been written by the Count of Florida Blanca to Marquis Baxamar on 26 September, announcing the formation of the supreme junta at Aranjuez: this announcement was printed at Buenos Aires: Archivo General de Indias, Audiencia de Buenos Aires, 123. 2. 3.

⁵⁶ Vane, *Correspondence of Castlereagh*, vi. 375.

⁵⁷ Colonial Office Correspondence, Jamaica, 64.

⁵⁸ Castlereagh to Bowyer, 22 June 1808, Colonial Office Correspondence, Windward and Leeward Islands, 25.

⁵⁹ Vane, *Correspondence of Castlereagh*, vi. 375.

⁶⁰ Castlereagh to Bowyer, 7 July 1808, Colonial Office Correspondence, Windward and Leeward Islands, 25.

⁶¹ Christie to Cockburn, 1 August 1808, Colonial Office Transmissions, Curaçao, 668.

on hearing a rumour that Charles IV had 'been embarked on board a French frigate destined to convey him to Buenos Aires with a view of distracting the attention of the Spaniards in South America, and shaking their allegiance to Ferdinand VII', Canning wrote to Lord Strangford, the English minister at Rio de Janeiro, and instructed him that as the English king had acknowledged Ferdinand VII, England could give 'no countenance to any attempt whatever' which might be made 'to interfere in the government of the Spanish settlements in South America'.⁶²

The movements in Spain, as well as the results of the battle of Trafalgar, made it impossible for Napoleon to take effective measures to exert his power in the Indies. On 2 August 1808 the five ministers of King Joseph declared to him that the weakest part of Napoleon's Spanish policy was 'the conservation of the Indies'. They frankly expressed their conviction that the Indies were lost to Spain.⁶³ In truth, the reports and rumours of the startling events which were happening in Spain had far-reaching results in the Three Americas. The news of the abdication of Charles IV evoked many manifestations of loyalty to Ferdinand VII, who was formally proclaimed king in important cities throughout Spanish America: Mexico City,⁶⁴ Caracas,⁶⁵ Chuquisaca,⁶⁶ and Buenos Aires.⁶⁷ In some parts of the Indies the news concerning the transfer of the Spanish crown to the Napoleonic dynasty produced a ferment. On 11 August 1808 Viceroy Iturrigaray issued a proclamation to the inhabitants of New Spain, on the advice of a junta, announcing that it had pledged itself to obey no orders of the emperor of the French.⁶⁸ The *audiencia* and the *cabildo* of Buenos Aires decided to cast De Sassenay's dispatches into the flames.⁶⁹ Two French emissaries who conveyed the news of the Napoleonic usurpations to Caracas fled precipitately from the infuriated inhabitants.⁷⁰ In various cities of Spanish America the news of the formation of local juntas in the Spanish Peninsula created a desire to imitate that example.⁷¹ Some colonial leaders claimed that the deposition of Ferdinand

⁶² Foreign Office Correspondence, Portugal (Brazils), 68.

⁶³ A. Du Casse, *Mémoires et correspondance politique et militaire du Roi Joseph*, iv. 467.

⁶⁴ J. E. Hernández y Dávalos, *Colección de Documentos para la Historia de la Guerra de Independencia de México de 1808 á 1821*, i. 495-505.

⁶⁵ Blanco, *Documentos*, ii. 110, 111.

⁶⁶ René-Moreno, *Últimos Dias coloniales*, i. 240, 306, note 1.

⁶⁷ *Documentos relativos á los Antecedentes de la Independencia de la República argentina*, 14-16. ⁶⁸ García, *Documentos históricos mexicanos*, ii. 60, 61.

⁶⁹ *Documentos relativos á los Antecedentes de la Independencia de la República argentina*, 144, 145.

⁷⁰ Blanco, *Documentos*, ii. 166, 167; W. H. Smyth, *The Life and Services of Captain Philip Beaver*, pp. 335, 336.

⁷¹ Blanco, *Documentos*, ii. 171-4; *Documentos relativos á los Antecedentes de la Independencia de la República argentina*, 31, 38; García, *Documentos históricos mexicanos*, ii, especially pp. 75, 104-5.

VII had destroyed the link which connected Spain and her colonies.⁷² The establishment, in 1810, of provisional juntas of government in certain important cities of Spanish America—juntas which assumed the authority of viceroys and captains-general, while loudly professing their fidelity to Ferdinand VII⁷³—was the logical result of the events of 1808. For this reason, in 1828, a verbose writer on the Mexican revolution, Carlos Maria Bustamante, thus extravagantly apostrophized the emperor of the French: 'Napoleon Bonaparte . . . to you, immortal genius, to you Spanish America owes the liberty and independence which she to-day enjoys! Your sword struck the first blow at the chain which bound the two worlds!' ⁷⁴

In truth, the events of 1808 marked an epoch in the history of two hemispheres. The Asturian rising signalized the beginning of the war of the peoples. The war between England and Spain came to an end; and an understanding between the English cabinet and the Spanish patriots was arrived at. The Spanish movement not only helped to frustrate Napoleon's designs upon Spain's empire, but it also thwarted England's project against the Spanish colonies. For, after the middle of 1808, Canning strove to preserve the integrity of Spain with the Indies against French aggression. Napoleon's policy towards Spain furnished some precedents for her liberal statesmen: a written constitution, the re-establishment of the Cortes, and the concession of constitutional rights to the American colonists. Napoleon's usurpations in Spain proved that the magnificent empire of Charles IV was an ill-cemented mosaic. Spain broke into fragments which tended to correspond in extent to her ancient kingdoms. Her disruption greatly impaired the prestige of the monarchy in the New World. Although certain economic, religious, and political conditions in the Indies had provoked disaffection there, yet it was not until after Ferdinand VII was forced to renounce his rights to the Spanish crown that the protracted revolution against Spanish rule began. The inflammable tinder that lay scattered throughout the vast dominions of Spain in America was lighted by Napoleon's hand. In time the map of the Three Americas revealed the shadowy outlines of a new group of states.

WILLIAM SPENCE ROBERTSON.

⁷² A letter of J. G. Roscio, of Venezuela, to Andrés Bello, 29 June 1810, expressing that view, is printed in M. L. Amunátegui's *Vida de Don Andrés Bello*, p. 83. Similar views were expressed by Melchor Talamantes in Mexico in 1808; see his 'Representación nacional de las colonias', in García, *Documentos históricos mexicanos*, vii, especially pp. 393, 394. The argument of Mariano Moreno in 1810 is found in the *Gaceta de Buenos Aires*, 6 December 1810.

⁷³ See my paper on 'The Beginnings of Spanish-American Diplomacy', in F. J. Turner, *Essays in American History*, pp. 235-7.

⁷⁴ *Campañas del general D. Félix María Calleja*, p. 5.

Notes and Documents

Bractoniana *

IT is well recognized that the known facts of Bracton's life are few. Foss, in his *Judges of England* (1848), Sir Travers Twiss, in his edition of *Bracton* (1878), Mr. J. M. Rigg, in the *Dictionary of National Biography* (1886), and lastly, Maitland, in his *Bracton's Note Book* (1887), have assiduously gathered together such facts as they could find, but the latest of these, when summing up the results of all their labours, confesses that 'of the man himself there is seemingly little to be known',¹ and that even his birthplace has not yet been ascertained. Prince, in his *Worthies of Devon* (1701), favoured Bratton Clovelly, but Bratton Fleming, Devon, and Bratton Court, Somerset, also claim the honour. Maitland held that 'there is but little evidence in favour of any of these claims'.²

I have been led to offer some observations on the subject by finding that an entry in a well-known volume, which has been more than a century in print, has been overlooked by all these writers, although it gives us important evidence on Bracton's territorial possessions, evidence which affords, I shall suggest, a clue to his birthplace, and supplies, I believe, the earliest mention of the man himself. On p. 184 of the *Testa de Nevill* we read:

Ricardus Franceis tenet in Stokelegh' in Hele et in Kolllelegh' duas partes unius feodi de eodem³ per medium.

Henricus de Bratton⁴ tenet in Aluredescoth una cum Aylescoth' et Were unum feodum de eodem per medium.

Baldwinus de [sic] Flemeng tenet in Wybbebeyre Nicholai Pulani dimidium feodum de eodem . . .

Baldwinus le Flemeng tenet in Cridoho unum feodum de Moreton de comite Cornubie.

Idem Baldwinus tenet in Bratton cum membris duo feoda et dimidium de Moreton de eodem.

* 'Bracton', of course, is an erroneous, though now the recognized, form of his name.

¹ *Bracton's Note Book*, i. 13 et seq., 'Of Bracton's life'.

² *Ibid.*, p. 14.

³ i.e. 'de com' Cornub'.

⁴ His name is not found in the very unsatisfactory index to this work.

Although I have made no study of the very difficult topography of Devon, it appears to me that all these entries relate to manors held by those Flemings of Bratton Fleming with whose interesting descent from Erchembald (the Fleming), a substantial tenant of the count of Mortain in 1086, I have dealt more than once in the pages of this Review.⁵ We can trace all the manors above named in the hands of this Domesday ancestor, but while Baldwin le Fleming is entered as holding three of them in his own hands—Webbery in Alverdiscott, Croyde in Georgeham, and Bratton Fleming—the others are held by different men, who are entered as holding them 'per medium'. My contention is that this 'medius' (mesne tenant) was Baldwin le Fleming. The three fees with which we are more immediately concerned are (1) Alverdiscott, (2) Croyde, (3) Bratton Fleming. In 1303 we find them entered together as held by Baldwin le Fleming.⁶ As Alverdiscott was thus in their own hands again some thirty-five years after Bracton's death, he had probably held it, as of the clergy, for life only.

Alverdiscott, the head of Bracton's fee, lies some four miles east of Bideford (of which he was afterwards rector), half-way on the road from Barnstaple (of which he was afterwards archdeacon) to Torrington. But there were two concomitants in Bracton's fee; in the *Testa* it consists of 'Aluredscoth una cum Aylescote et Were', and these concomitants reappear when it is subsequently found in the hands of the Flemings themselves.⁷ There is no question that 'Were' is Wear Gifford—or rather, it is said, Little Wear therein, lying south-east of Bideford and south-west of Alverdiscott—but the remaining place seems to be wrongly identified. I, at least, cannot doubt that it is Aylescote in West Down, about half-way between Ilfracombe and Heanton Punchardon. But in *Feudal Aids*, i. 582a, it is treated as another form of Alverdiscott. The two names given are so distinct in the entries⁸ that I venture to say this is impossible, though a local antiquary asserts it.

Thus far I have been dealing with a knight's fee in Devon which, though held by Bracton, has escaped his biographers' notice. The only land in the county which Maitland knew him

⁵ *Ante*, xiv. 422; xxxi. 177.

⁶ 'Idem Baldewynus tenet in Bratton, Cridaho et Alwardiscote iij feoda de Mortonie': *Feudal Aids*, i, p. 360.

⁷ 'Baldewinus le Fleming tenet in Alvydescote et Alyscote [et] Were j feodum Mortonie': *Feudal Aids*, i. 371; cf. p. 413.

⁸ 'Aluredscote una cum Aylescote' (*Testa*); 'Alvydescote et Alyscote'; 'Alfardescote, Haylescote'; 'Alfandescote, Haylescote' (*Feudal Aids*, index to vol. i). It is admitted in *Feudal Aids*, i. 583 b, that 'Alscote', 'Alescote', and 'Allescote' represent 'Aylescote' in West Down. In any case it must be admitted that the disputed name cannot represent, as alleged, Alverdiscott.

to have held was Santon or Saunton in Braunton, on the east coast of Barnstaple Bay, near Heanton Punchardon. The proof of this he found in a suit of 1253, when William de Punchardon and Ermengard his wife brought against Henry, as tenant, an action for her dower given her by her former husband.⁹ To this holding, he attached some importance.¹⁰ So do I, but for another reason. Santon was feudally a member of Croyde ('Cridoho'), which, we have seen, was a knight's fee held, like Alverdiscott, by the Flemings.¹¹ This brings me to my point, which is that, as Henry held of the Flemings probably all, and certainly most, of his Devon lands, we may fairly infer that he was a native of their manor of Bratton Fleming in that hundred of Braunton with which we find him associated.¹² His 'country' may be roughly described as the district adjoining the east coast of Barnstaple Bay. It was far, therefore, from Bratton Clovelly, which lies somewhat east of the centre of the western border of Devon. It is little, if any, nearer to Minehead's Bratton Court.

I have now shown that Bracton held more land in Devon than was known, and that the first mention of his name is found in the *Testa*. For Foss begins his account of him in 1245, and so does Maitland.¹³ I also claim to have shown that he was probably a native of Bratton Fleming. This is of some interest, because it has been pointed out that in 1212 there was presented to the rectory of Bratton Fleming a William 'de Raleghe', who 'may have been the William Raleigh whose judgements Bracton has made immortal'.¹⁴ Possibly, however, too much has been made of this evidence by Twiss and Maitland, for Odo de Bratton continued to be perpetual vicar of the church, so that Raleigh, I presume, was possibly non-resident.¹⁵

I will now turn from the Devon to the Cornwall holdings of 'Bracton'. Writing of 'his connexion with the Raleighs', Maitland says :

We may well see him in the Henry of Bretton to whom in 1261 Walter Raleigh and Isabella his wife grant for life the manor of Tykenbrede in Cornwall. This manor we may perhaps identify with a spot called Tuckenbury which lies between Linkinhorne and Liskeard. (I owe this suggestion to Mr. Leslie Stephen.)¹⁶

⁹ *Bracton's Note Book*, i. 16. I have not been able to examine the evidence.

¹⁰ *Ibid.*, p. 94.

¹¹ 'Villa de Crideho cum Santon . . . que sunt membra ad eandem et est dominus eiusdem Baldwinus Flemmy[n]g': *Feudal Aids*, i. 375. There appears to have been more than one manor in this Santon.

¹² Case 976 in the *Note Book* relates to a claim in 1224 against Archebald le Fleming (*Flandrensis*), son of Stephen *Flandrensis*, concerning land in 'Esse', which is identified as Ash Reigney, but which I take to be Ash Rogus in Braunton.

¹³ *Ibid.*, p. 19.

¹⁴ *Ibid.*, p. 14.

¹⁵ Maitland somewhat vaguely states that Raleigh 'was presented to the church'.

¹⁶ *Op. cit.*, p. 16.

This identification of 'Tykenbrede' sounds like guesswork, but it recurs where the 'Bracton' pilgrim is reminded, further on, that near the Cheese Wring we find Tuckenburg, and we remember how the Raleighs gave Bracton the manor of Tykenbrede for his life.¹⁷

Maitland, however, seems to have felt uneasy about it and, in his postscript, recurs to 'Tykenbrede' and leaves the question thus :

I cannot find any place in Cornwall with which to identify it other than Tuckenburg, the termination of which name may, as it seems to me, be a rationalistic perversion by English mouths of something Celtic.¹⁸

Now the student, if he be a wise man, will steer clear of Cornish topography ; I have myself always eschewed it. Still, one may try to give completeness to the tale of Bracton's holdings.

In 1889 there appeared the first volume of the late Prebendary Hingston-Randolph's *Episcopal Registers of Exeter*. That work of patient and admirable research would have proved to scholars a real boon, if it had contained an index at the end as a guide to its complicated contents. Unfortunately, it is based on the plan of more than one so-called 'General Index', not at the end, but in the text, each of them, moreover, cut in half by a separate 'Index of Institutions'. However, though the contemporary Register does not help us to identify 'Tykenbrede', that of Walter de Stapeldon (1892) contains, under 'Oratories', certain licences to celebrate, of which the first is :

Bello Prato (Beaupré), Isabella de, in her Chapels or Oratories in her Manors of Trewythy, Tikambred, and Penhalym (3 July 1319).¹⁹

These places are not identified, but we infer that the lands belonged to the Beaupré family. With this clue we find an *inquisitio post mortem* of 21 April 1309, on Stephen de Beaupré, which mentions Penhalym manor and that of 'Tycambred' among his possessions, the latter having been held of the prior of Bodmin,²⁰ but 'Tycambred' is left unidentified.²¹ Part II, however, of the *Register of Bishop Grandison*, which was issued in 1897, brought to light the transitional form 'Dygombrid'. In 1355, it appears, Sir John de Beaupré gave the advowson of St. Just-in-Penwith to St. Thomas the Martyr of Glasney, and it was stipulated that its provost and college should notify Sir John and his heirs 'in Manerio suo de Dygombrid' of certain contingencies (p. 1155). This identified the place as the present 'Degembris' in (St.) Newlyn,²² and it is so identified in the Inquisition of 1329 on Ralf de Beaupré, John's father.²³

¹⁷ *Ibid.*, p. 103.

¹⁸ *Ibid.*, pp. 137-8.

¹⁹ *Reg. of Bishop Walter de Stapeldon*, p. 299.

²⁰ *Cal. of Inquisitions*, v (1908), no. 122.

²¹ *Ibid.*, p. 577.

²² Now Newlyn East

²³ *Cal. of Inq.*, vii (1909), no. 232. It is there 'Tyuganbrede'.

Apart from the identification of Henry's Cornish manor, it should be observed that it belonged to the Beauprés, not 'the Raleighs'; for this will be shown to be, possibly, of importance. The explanation of this apparent correction is that the grant to Bracton was made by 'Walter Raleigh and Isabella his wife'. The Raleighs were not a Cornish, but a Devon family, and Walter must have held this Cornish manor in right only of his wife.²⁴

Not only has the extent of Bracton's landholding been underestimated, but the income he must have derived from spiritual preferments was greater than has been supposed. He was instituted rector of Combe-in-Teignhead in 1259, and of Bideford, by Richard de Greinville, in 1261.²⁵ He appears to me to have retained, at least, the Bideford rectory till his death. Maitland made 'his career as an ecclesiastic' begin with his appointment to the archdeaconry of Barnstaple in the early days of 1264, and his exchanging it, shortly afterwards, for the chancellorship of the diocese; and he spoke also of his holding, at his death, prebends at Exeter and at Bosham.²⁶ His first ecclesiastical preferment is of some interest for its date, as Maitland held that 'for the years after 1259 there is less evidence' of his being at court with the king.²⁷

There is one more point on which the further publication of records enables us to clear up what Maitland found a difficulty. 'As to his death,' he wrote, 'a certain difficulty is created by an entry on the Fine Roll,' which speaks of 'Henricus de Brattona qui interfectus fuit in conflictu habito apud Lewes'.²⁸ On this entry his comment was :

We must suppose either that he had a namesake, or that the clerk who wrote the Fine Roll made a blunder. The latter alternative seems the more acceptable. Of a second Henry of Bratton no trace has been found, and the writ in question would hardly have been made in favour of a nobody. Two of the king's justices were killed at Lewes. . . . It may be that the name of one of them should have appeared in this writ instead of that of their illustrious colleague.

But the Chester Roll of 49 Henry III records (26 October 1265) the gift to William de Leyburn 'of all the lands late of Henry de Bretton and Roger de Chekenes . . . rebels and adherents of Simon de Monte Forti',²⁹ which surely cannot refer to the

²⁴ We find mention of 'Willelmus de Ralegh' et Isabella uxor eius' under Somerset in 1258 and of 'Isabella que fuit uxor Willelmi de Ralegh' under Devon in 1271 (*Excerpta e Rot. Fin.*, vol. ii).

²⁵ Bishop Bronescombe's Register (*Episcopal Registers of Exeter*, ed. Hingeston-Randolph, pp. 114, 126). As this volume was published in 1889, Mr. Rigg's life of Bracton in the *Dict. of Nat. Biogr.* (1886) does not mention these appointments, while Maitland, whose work appeared in 1887, was for the same reason not able to avail himself of its information.

²⁶ *Op. cit.*, p. 17.

²⁷ *Ibid.*, p. 22.

²⁸ *Ibid.*, p. 22.

²⁹ *Cal. of Charter Rolls*, ii. 57.

'illustrious' Henry. Moreover, Ancient Deed A. 11350³⁰ records an agreement of 28 April 1260 concerning lands in the hundred of Rochford, in the south-east corner of Essex, to which the first two witnesses are 'Sir Simon Perdriz and Sir Henry de Bretthon knights'. The former was a small local landowner near Rochford, and the latter possibly took his name from Bretton in Stambridge (adjoining Rochford), which a John de Bretton had held earlier of the Rochford family. In the summer of 1262 Henry de Bretton is found holding, of Guy de Rochford, half a knight's fee in Little Coggeshall.³¹ It is clear, therefore, that the great Henry had a namesake in his lifetime.

When I stated above that the identification of Bracton's Cornish manor and its connexion, not with the Raleighs, but the Beauprés, might possibly prove of importance, I had in mind the comments of Professor Vinogradoff and of Maitland on the Digby MS. 222 of Bracton's work and its manuscript allusions to Ralf de Arundel and 'J. de bello prato', i.e. Beaupré.³² Maitland writes of this 'eloquent legend':

'Mittuntur J. de bello prato septem peciae et dimidia subsequentes rubricam istam viz. quod non est capienda conuictio super conuictionem, et de illis tenetur respondere domino (a blurred word which may, I think, be Rad') de Arundell'.

The meaning of this seems plainly to be that the seven and a half quires following the rubric *Quod non est capienda, &c.*, are lent to J. de Beaupré (probably in order that he may have them copied), and that he is bound to answer for them to Sir — Arundell. We may infer then that this very MS. belonged to a Sir Ralph Arundell. Beaupré again was a good Cornish name. In the fourteenth century Arundells and Beauprés marry into the same family, their souls are prayed for in the same church.

But these comments are somewhat vague, and Maitland added that 'this trail must be followed by others'.

What we have to do is to find a connexion, not merely between the two families in the fourteenth century, but between the two individuals named, and, if possible, in Bracton's age; for Maitland seems to suggest that the Sir Ralph Arundell mentioned was identical with the Cornish sheriff of 1260. Now Bracton, who held Degembris for his life, died in 1268, and I think we can find a Beaupré in possession some four years later—a John de Beaupré who was closely associated with a Sir Ralf de Arundel. In Ancient Deed A. 8497 we have an acknowledgement that suit is due to the mill of Sir John de Beaupré and his heirs in 'Tygambred'. The deed is dated 28 August 1277 (5 Edward I) and at 'Tygem-bret', and it is endorsed 'pro Degembr',³³ which clinches the

³⁰ *Catalogue*, v. 132.

³² *Ibid.*, pp. xxii, 98-100

³¹ *Essex Fines*, i. 257.

³³ *Calendar*, iv. 317.

identification. But Sir John was at Degembris at least as early; I think, as 1272. For in the same parish of Newlyn the bishop had a park at Cargaul, and on 22 June 1275 Sir John de Beaupré, 'olim Senescallus Cornubie', confessed at Launceston that he had taken an active part on 30 August 1272 in despoiling and cutting down the said park, for which he had been in serious trouble with the bishop and even the archbishop. He therefore agreed to pay the bishop a hundred marks as compensation. As one of his four securities for payment he named Sir Ralf de Arundel.³⁴ Three years earlier (1 May 1269) Sir Ralf was the first witness and John de Beaupré, 'then steward of Cornwall', the second, to a Cornish agreement.³⁵ In a great feoffment by Roger de Vautort to Richard, earl of Cornwall, Sir Ralf is the third lay witness and John de Beaupré, steward of Cornwall, the ninth.³⁶ When, by a thirteenth-century deed, Ralf de Arundell gave some land to Oliver his son, John 'de Beupri' was a witness.³⁷ In 1279, of the three men named to enforce distraint of knighthood in Cornwall, John de Beaupré was the first and Ralf de Arundell the second.³⁸

The next subject to which I would turn is that of 'the cases "noted up" in the margin of the *Note Book*'.³⁹ It appears to me that the district to which these cases point is chiefly the great hundred of Braunton, lying north and east of Barnstaple. We there find Fleming of Bratton Fleming,⁴⁰ Punchardon of Heanton Punchardon, Huxham of West Buckland, 'Corbyn' of Brayley (in East Buckland), 'Gorges' of Braunton Gorges, and Raleigh of Raleigh. Here also the Beaupels held at West Ashford, Snedlegh, and West Down.⁴¹

The first, and, in Maitland's eyes, the most important, of 'the cases "noted up" in the margin' is that of 'Ermengard and the heir of Huxham',⁴² with which he dealt on pp. 16, 93-5. Very skilfully he identified 'Ermeiard' as the widow of Thomas de Saunton (of Saunton in Braunton), who had married William de Punchardon, with whom in 1253 she brought an action for her dower in Saunton against Bracton himself, then tenant there; and he then proceeded to show that William of Huxham (near

³⁴ *Episcopal Registers of Exeter*, Bronescombe, pp. 43-6.

³⁵ Ancient Deed A. 9711 (*Calendar*, iv. 452).

³⁶ *Ibid.* A. 10843. This was the Roger who gave Cargaul, with the advowson of (St.) Newlyn, to the Bishop.

³⁷ *Ibid.*, A. 183.

³⁸ *Cal. of Pat. Rolls*, 1272-81, p. 342.

³⁹ *Op. cit.*, i. 93-102.

⁴⁰ The birthplace, as I suggest, of Henry.

⁴¹ 'With many of the Devonshire landowners Bracton must have been familiar. . . Raleighs and Punchardons, Traceys and Beaupels sat with him on the bench; no wonder then if some of them were his friends and he had his home among them': *Note Book*, pp. 16-17, cf. p. 94.

⁴² 'Ermeiard et herede de Hokesham.' Professor Vinogradoff seems to have read 'heredes', for he speaks of 'the heirs of Hokesham'.

Exeter) had, shortly before his death in 1255, given 'his land at Huxham' to the William above mentioned. From this he inferred that trouble resulted between Ermengard and 'the heir of Huxham'. I venture to think, however, that he was mistaken in trying to make the two families neighbours by stating that 'Punchardon lies in the parish of Kentisbere some ten miles as the crow flies from Huxham' (p. 94). The 'Punchardon' which gave name to the family must have been Pontchardon by Vimoutiers (now in the extreme north of the Orne), and if the Bracton pilgrim tries to 'find Punchardon in the parish of Kentisbere and catch the train at Tiverton' (pp. 103-4), he will neither, I fear, catch that train nor echo the closing words of the paragraph, *Beati omnes qui ambulat*.

The Huxhams held Huxham of the great Berry Pomeroy honour,⁴³ but were found holding it (of another honour) in 1315.⁴⁴ But their other manor, (West) Buckland, they held of the Courtenays' honour of Oakhampton.⁴⁵ It is this manor, I suggest, which brought them into contact with the Punchardons, for not only was it the same hundred with the English home of that house at Heanton Punchardon; it also made them fellow vassals. The roll of Oakhampton manors includes them both,⁴⁶ while it also contains certain names in the 'noted' cases, Cole (of Harding's Leigh), Corbyn (of Corbineston, now Corston), and Cornu (of Huntshaw). William de 'Punchardone' presented to the rectory of West Buckland in April 1261, but Emma de Hokesham, widow of the previous holder, did so in June 1268, when she presented Simon de 'Ponchardon'.⁴⁷ But a curious deed, to which Sir Ralf de Arundel is one of the witnesses, records that Henry de Bolleghe, provost of Glasney, gives to Bishop Walter the advowson of West Buckland ('Bokelonde fil. Walteri'), which he had by the gift of 'Ermigarde', William de Punchardon's widow.⁴⁸ She was here, therefore, dealing with the Huxhams' former property. Thomas de Saunton, her first husband, had held a good deal more than Saunton in Braunton. Huntsham and Cheriton-Fitzpaine⁴⁹ he held, like Saunton, of the Torrington honour.⁵⁰ This is how Sir William de Punchardon, his widow's second husband, came to be patron of Huntsham in 1263, and how, in 1278, a new rector was presented by her third husband, Alexander de Viteri, as holding her dower.⁵¹ This is also how Ermengard came to be 'convicted before Bracton

⁴³ *Testa de Nevill*, p. 182; *Cal. of Inq.*, i, p. 95; *Feudal Aids*, i. 316, 387.

⁴⁴ *Cal. of Inq.*, v, p. 294.

⁴⁵ *Testa*, p. 179.

⁴⁶ *Ibid.*

⁴⁷ *Register of Walter Bronescombe*, p. 190.

⁴⁸ *Ibid.*, p. 282.

⁴⁹ *Alias Cheriton-Saunton*.

⁵⁰ *Testa*, p. 176.

⁵¹ 'Ad presentacionem Alexandri de Viteri, racione dotis Domine Ermagade de Punchardun, uxoris suae': *Register, ut supra*, p. 145.

of a disseisin perpetrated at Cheriton'.⁵² He also held at Buckland Filleigh and Hartland of the honour of Barnstaple.⁵³

I cannot but think that fresh light is thrown on 'the heir of Huxham' case by a plea of Trinity Term, 18 Edw. III (1344).⁵⁴ William de Hoxham there sues John de Raleigh of 'Charnys' for land in 'Charnys', which William de 'Punchardon' had given to William de Hoxham (plaintiff's grandfather) in frank marriage with Emma, *his sister*. The place was Charles, some nine miles to the east of Barnstaple, and therefore in Bracton's country. Although it is rather a far cry from 1255⁵⁵ to 1344, the coincidence of names is too great to be accidental. Charles is found, like Heanton Punchardon, on the roll of Oakhampton manors,⁵⁶ of which I spoke above, as held by William de Punchardon, and when we find that, in spite of the *inquisitio post mortem* of 1255, the Huxhams continued to hold Huxham, and to present to the living,⁵⁷ we may fairly infer that Emma de Huxham, who was still living at least as late as 1268,⁵⁸ was a sister of William de Punchardon, and that her husband's enfeoffment of him, shortly before his own death, was merely a family arrangement, which avoided a long minority and the loss involved in the wardship. If so, there can be little doubt, on comparing 'Case 1843' in the *Note Book*, that Ermengard must have claimed dower from land which her husband, William de Punchardon, only held, in effect, as feoffee in trust for his nephew, 'the heir of Huxham'.⁵⁹

As to 'Whitchurch', the third of 'the cases noted up', I cannot see my way to accepting the equation of *De Albo Monasterio* and Whitchurch asserted by Maitland.⁶⁰ There was, no doubt, a well-known family of Blanchminster or *De Albo Monasterio* established at Stratton in Cornwall, but when its true name emerges, it is not 'Whitchurch' but 'Blanmonster'.⁶¹ Combe Blamoster (or Blaunkmester) was the former name of what is now Combe in Teignhead. With regard to the fourth noted case,⁶²

⁵² *Bracton's Note Book*, i, p. 94.

⁵³ *Testa*, p. 175.

⁵⁴ De Banco, Trinity, 18 Edw. III, m. 310.

⁵⁵ The date of William de Huxham's death. His son and heir, however, was only four years old at the time.

⁵⁶ *Testa*, p. 179. It seems to have passed, with a Punchardon heiress, to the Raleighs, who were holding it in 1303: *Feudal Aids*, i. 361.

⁵⁷ *Feudal Aids*, i. 346, 387; *Stapeldon's Register*, p. 223.

⁵⁸ See above and cf. *Note Book*, i. 94-5.

⁵⁹ This would definitely explain the reference, which Maitland could not do. Ermengard must have survived William, for she subsequently married, as I have shown, Alexander 'de Viteri'.

⁶⁰ *Note Book*, i. 98.

⁶¹ See John de Grandison's *Register*, iii. 1555, where in the bishop's will (A.D. 1368) we read 'lego Randulpho Blaunkmonster'. In Essex this name became corrupted to Blamster. That, in Shropshire, Whitchurch and Oswestry both occur as *Album Monasterium* (a fruitful source of confusion) does not affect the question.

⁶² *Note Book*, i. 98-100.

and its reference to 'Ralph of Arundell', I have dealt with this above.⁶³ The remaining cases do not appear to call for any comment.

J. H. ROUND.

NOTE

In Professor Vinogradoff's letter to the *Athenaeum*, which originally brought the *Note Book* to light,⁶⁴ we read, of the ninth case 'noted up', that of Raleigh :⁶⁵

The Patent Rolls give the appointment of justiciaries to try particular assizes. . . . In 1259 Bracton is appointed to try an assize of mort d'ancestor between Hugh and Warin of Raleigh, and that is most probably the case hinted at in our MS. (Patent Roll, 43 Henry III, membr. 13, dorso) In most instances the connexion could not be so clearly ascertained. Still, the examination of Patent Rolls is instructive, &c.⁶⁶

In spite of the very precise reference here given to the Patent Roll, there is nothing of the kind to be found there.⁶⁷ Maitland, however, repeats the reference, though with the addition '(MS. Index)',⁶⁸ This might not be of much consequence if the case stood alone ; but the whole of his references, exact though they are, to the Patent Rolls for Bracton's life appear to be similarly invalidated and, on verification, erroneous. Of Bracton's employment as justice of assize we read that (i. 19) :

In 1248 . . . there begins a long series of entries on the Patent Rolls.—The first entry that I have seen is dated 12 Feb. 1248, Rot. Pat. 32 H. 3, m. 10d ; this seems the only one in this year ; in two years time they become common.—This series goes on with hardly any break until the end of 1267 ; the last entry that I have found is dated the 26th of December in that year (Rot. Pat. 52 H. 3, m. 33d).

Both the references are erroneous.⁶⁹ The last entry on the Patent Rolls seems to be of 18 October 1267 (Pat. 51 Hen. III, m. 3d). It is not surprising, therefore, to find that the references to two assizes concerning Huxham are no less erroneous (i. 94, 95).⁷⁰

Enough has now been said to show that all the references to the Patent Rolls in the introduction to the *Note Book* will have to be carefully checked. Maitland himself acknowledged his indebtedness 'above all to the manuscript calendars of the Patent and Close Rolls in the Public Record Offices on which I have often relied' (i. 13). Is it possible that he and Professor Vinogradoff can have worked from indexes to some records other than the Patent Rolls ? It seems improbable, but the latter at least, Maitland has pointed out, cited,⁷¹ through Madox, as from a Patent Roll, the very important entry which the accurate Madox correctly cited as from a roll of Exchequer Memoranda. Now that the *Calendar of Patent Rolls* for Henry III's reign is complete, and the Close Rolls themselves in print to 1247, Bracton's life might already be rewritten with advantage. For instance, Maitland gathered from the latter that Bracton, who acted

⁶³ pp. 591 f.

⁶⁴ Reprinted in Maitland's edition, pp. xvii-xxiii.

⁶⁵ *Ibid.*, i. 101-2.

⁶⁶ *Ibid.*, p. xxi.

⁶⁷ See *Cal. of Pat. Rolls*, 1258-66, pp. 49-50.

⁶⁸ *Op. cit.*, i. 102.

⁶⁹ See *Cal. of Pat. Rolls*, 1247-58, p. 30 ; 1266-72, p. 275.

⁷⁰ 'Rot. Pat. 42 Hen. 3, m. 17 d' ; 'Rot. Pat. 46 Hen. 3, m. 5d (MS. Index)'.

⁷¹ Vol. i, pp. xviii, 25.

as a justice in eyre in 1245, ' was never sent on any other eyre of the common kind ' ;⁷² but the Close Rolls show that in 1246 he was one of those who visited Yorkshire as justice in eyre,⁷³ and that he also so visited the counties of Northumberland, Westmorland, Cumberland, and Lancaster.⁷⁴ A further addition is afforded by the Patent Roll of 37 Hen. III (m. 5), on which is entered a grant (6 July 1253) of £50 a year at the Exchequer to ' Henry de Bretton, King's clerk ', for his support in the king's service. Maitland only knew of his receiving ' £40 a year from the Exchequer, the usual judicial salary '.⁷⁵

An Assembly of Wool Merchants in 1322

THE documents printed below were discovered in an unsorted bundle of Chancery Miscellanea.¹ They were filed together and had apparently been untouched and unread since the date of their filing. Their form consists of writs in the normal pattern sent out under the Great Seal requiring returns to be made to the chancery by the sheriffs. The returns are contained in endorsements, or, if lengthy, in the form of bills or schedules. It is curious that an important chancery writ of this nature was not enrolled on one of the Chancery Rolls, but no trace of such an enrolment has been found. The subject with which the writ deals is of great interest. The king requires the various sheriffs to order all the greater wool merchants of their counties to attend before the king and his council at York on an appointed day to inform him and his council on certain matters which would be explained to them there, and to do what should be ordered them by the king and his council. The names of all those ordered to attend were to be sent to the king without delay. The writ was dated at York on 18 May 1322. After his defeat of the barons, the king was striving to his utmost to reduce order out of the confusion which the struggle with them had produced. Before the parliament of York had met, the king referred a number of matters, in a memorandum, to his council; and though the first question which they had to consider was the repeal of the ordinances, that was followed immediately by the note, ' Item de mettre les bons pointz en Estatut '.² The other matters which the king referred to the council concerned reforms of administration and legislation. Among the matters relating to trade referred to the council was the following: ' Item lestaple des lenies et de ordener qe draps soient faitz en Engleterre. '³

⁷² i. 19.

⁷³ Close Roll, 30 Hen. III, m. 16 d.

⁷⁴ *Ibid.*, m. 8 d. Maitland cites this reference for a statement which I cannot find there.

⁷⁵ i. 21.

¹ Public Record Office, Chancery Miscellanea, Bundle 138.

² Parliamentary and Council Proceedings (Chancery), File 5/10.

³ *Ibid.*

Professor Tout has established the fact that the staple organization which Edward III was reputed to have arranged was in reality the work of his father.⁴ On 20 May 1313 the ordinance of the staple had been issued by the king and his council in the form of letters patent, which ordered a fixed single staple to be set up, the place to be determined by the mayor and community of the merchants. This solution was not satisfactory and the parliament of York of 1318 discussed matters concerning the question. No decision was arrived at, and from York on 22 November the king sent writs to all sheriffs commanding them to order two citizens from each city in their counties and two merchant burgesses from each borough to be at London on 20 January 1319 :

habere colloquium et tractatum per quod iniunximus dilecto mercatori et civi nostro Londonii Iohanni de Cherleton' Maiori mercatorum dicti regni nostri qui de negociis predictis est per consilium nostrum plenius informatus quod ipse sit in octabis predictis ad dictum locum predictos mercatores super dictis negociis informaturus et cum eisdem inde tractaturus.⁵

The result of this meeting is not known, but a few days later, on 8 and 9 March 1319, writs were issued to the sheriffs for 'representative bailiffs and other citizens or burgesses of the chief commercial towns to meet on 24 April at Westminster to consider the advisability of fixing the staple at certain places within the realm of England'.⁶ The exchequer appears to have been closely concerned with these affairs. Again no decision was reached, nor was the parliament of York of 1319, at which the matter was again raised, any more successful. On 13 April 1320 complaints on the conduct of Cherleton, the mayor of the staple, were made at Westminster before the king and his council, including the archbishop of Canterbury, the bishop of Norwich the chancellor, the bishop of Exeter the treasurer, the earl of Pembroke, the two Dispensers, Badlesmere the steward of the household, the justices of both benches, the barons of the exchequer, and many others.⁷ The complainants failed to secure their objects and the king and council ordered that execution should be made of the penalties imposed by the ordinance of 1313. This was done and heavy fines were imposed upon the transgressors.

These writs of 18 May 1322 seem to indicate a fresh attempt on the king's part to settle the question. In the circumstances consequent upon the victory over his enemies he desired to consider all the administrative questions *de novo* and to decide them

⁴ *The Place of Edward II in English History*, pp. 241-66.

⁵ *Parl. Writs*, II. ii. 196.

⁶ Tout, p. 254. The writ was printed, *ante*, xxix. 95 f. (1914), by Mr. A. E. Bland, of the Public Record Office. [We lament to record that Mr. Bland was killed in action in France, as Captain in the Manchester Regiment, on 1 July last.—Ed. *E.H.R.*]

⁷ *Parl. Writs*, II. ii. 217-18.

in the light of the new conditions. The council was ordered, before parliament met, to deliberate upon the question of the staple. The writ summoning the merchants to York was issued while parliament was sitting. There is no means of discovering the considerations which prompted the summoning of the merchants. Whether it was undertaken on the recommendation or at the request of parliament, whether it was due to the king's direction, or whether, as would seem most probable, it was due to the deliberations of the council and was an executive act on their part, is uncertain. It may be regarded as quite established that the merchants were summoned for the purpose of discussing with and advising the council on the difficult question of the wool staple.

The merchants were called to the council as persons specially interested in and with special knowledge upon complicated and technical questions then under consideration. The council probably contemplated the issue of an ordinance similar in nature to that of 1313. Since that date discussion in parliament had led to no settlement of the difficulty. A special assembly of two representatives from each city and borough to discuss and treat on the matter with the mayor of the staple, who had been fully informed of the matter, acting as the king's representative, had proved equally abortive. The other assembly of representative merchants in April 1319 was likewise fruitless of result. A new experiment was tried in this writ. The merchants were to appear before the king and his council, not as persons making or answering complaints, but as technical advisers or witnesses appearing before a meeting of the council. The circumstances seem to suggest that they were to appear before the small executive committee of the council to which the king had originally referred the question. It was not the intention that the merchants should be representatives. The sheriffs were directed to send all the greater merchants to York. It is not known whether the assembly was ever held, but the completeness of the returns and the absence of contrary evidence make it probable that it was, though it did not achieve its purpose. The matter was probably deliberated and the merchants gave their opinion and advice to the council, though no execution was made immediately. The solution was not found until 1326, when on 1 May another ordinance of the staple was issued which abolished the foreign staple and set up a home staple in certain fixed towns.⁸ The writs furnish another instance of the king's endeavour to settle a difficult and important question and of an interesting experiment in administration; moreover, they bear testimony to the great administrative activity of the king in the parliament of York.

⁸ Tout, pp. 260-1.

To turn from the writs to their returns, there are several points of considerable interest. Returns from all the counties do not appear on the file, Kent, Essex and Hertfordshire, Gloucestershire, and Surrey and Sussex being very interesting omissions. These returns may have been made and lost, or they may never have been made. The time between the issue of the writs and the date of the meeting was short, and the sheriff of Cambridgeshire returned that he had no time for the execution of the writ. The sheriffs of the counties omitted may have been similarly situated. The returns give interesting indications of the social and economic conditions of the various parts of England. The extreme northern counties were not pastoral and were subject to the invasions of the Scotch. There is not one wool merchant in Cumberland or Westmorland, and none in Northumberland outside Newcastle-on-Tyne. The bailiffs of Newcastle returned that they dared not allow any merchant or other person to leave the town on account of the threatening Scotch inroads and the necessities of defence. Coming south to Yorkshire, there were a fair number of merchants in the city of York and in other liberties who were to attend. The counties on the Welsh border were also almost entirely free from wool merchants. There were none in Worcestershire and there were none in Herefordshire outside the city of Hereford itself, which supplied two. There were none in Shropshire outside Shrewsbury and Bridgenorth and only two in Staffordshire. In the south-west there were no merchants in Devon, because of the poor quality of the wool there, though Somerset and Dorset provided seven. It was in the eastern and midland counties that the wool merchants flourished. Outside certain liberties there were no wool merchants in Wiltshire. Rutland had one, and he had not been in the county since the sheriff received the writ. The return from London contains surprisingly few names, though no explanation suggests itself readily for this. Generally the further east the county, the greater was the number of names contained in the return. The lists of Lincolnshire and Bedfordshire are long, Northamptonshire and Nottinghamshire longer, while Warwickshire and Leicestershire and Norfolk and Suffolk contain very lengthy lists of names.

JAMES CONWAY DAVIES.

Devon. Edwardus dei gratia Rex Anglie Dominus Hibernie et Dux Aquitanie vicecomiti Deuon salutem. Quibusdam de causis nos et utilitatem regni nostri tangentibus tibi precipimus firmiter iniungentes quod omnes Maiores mercatores lanarum in balliua tua facias quod sint coram nobis et consilio nostro apud Eboracum in Octabis sancte Trinitatis proximis futuris ad informandum nos et consilium nostrum super aliquibus ipsis tunc ibidem exponendis et ad faciendum quod eis tunc per nos et dictum consilium nostrum iniungetur et de nominibus illorum quos sic premunire feceris nobis distincte et aperte sine dilatione constare facias

citra diem illum ibidem. Et hoc nullo modo omittas. Teste me ipso apud Eboracum xvij die Maij anno regni nostri quintodecimo.

[*Endorsement.*] Vobis significo quod nulli sunt Maiores Mercatores lanarum in balliua mea prout aliquo modo inquirere possum neque maiores mercatores lanarum alienigini seu indigni in eadem manentes seu commorantes quia lane in partibus illis ita sint grosse et miserime quod nulli maiores mercatores alienas lanarum ibidem emere excercent. Iohannes Inge vicecomes.

Worcester. Ego Willelmus de Bello Campo vicecomes respondeo quod non est aliquis Mercator lanarum in Comitatu Wygornie.

Lincoln. Responsio Simonis le Chaumberleyn vicecomitis Lincoln. Premunire feci Maiores mercatores lanarum in balliua mea quod sint ad diem et locum in breui isto contentos secundum tenorem huius breuis quorum nomina patent insequenti videlicet :

Iohannem de Blyton de Lincoln, Iohannem Pynson de Lincoln, Hugonem de Edlyngton seniore de Lincoln, Iohannem de Tame de Lincoln, Willelmum de Suartford Seniore de Lincoln, Alianum de Hedeleston de Lincoln, Iohannem de Tumbly de Sancto Botulpho, Ricardum Skynner de Spaldyng, Goddesmanum de Spaldyng, Iohannem de Ches-tertou de Grantham, Iohannem de Melton de Staunford, et Rogerum filium Sibelle de Luda de Co. . . .

Cumberland. Nulli sunt maiores mercatores lanarum infra balliuam meam, ideo nichil actum est.

Northumberland. Iohannes de Fenwyk vicecomes Northumberland sic respondit.

Execucio istius breuis patet in billa huic breui annexa :

[*Schedule.*]—Non sunt aliqui mercatores lanarum infra Balliuam meam in Comitatu Northumberland extra libertatem ville Noui Castri super Ty- nam, et ideo returnaui breue balliuis libertatis eiusdem ville qui sic respon- dent: Quod tam propter imminens periculum Scotorum inimicorum do- mini nostri Regis qui sunt parati super Marchiam intrandi, quam propter magnum numerum hominum ad arma ville predictae in duabus Nauibus super mare in seruicio dicti domini regis existencium, Balliui ville predictae non audent permittere aliquem Mercatorem siue alium de predicta villa deuillare nec extra villam se elongare.

Bedford and Bucks. Ego Philipus de Ailesbury vicecomes. Premunire feci Philipum de Brende de Stonystrat- ford, Magistrum Paganum de Bukyngham, Henricum de Northwode, et Nicholaum Crisps de Dunstaple quod sint ad diem contentum in breui sicut infra precipitur.

Wiltshire. Breue istud returnatum fuit per me Adam Walraund vice- comitem Willelmo de Sturton Balliuo Libertatis Episcopi Sares- buriensis, Willelmo de Rameshull Constabulario Castri Marleburgh, Iohanni Aygnel Balliuo libertatis Episcopi Wyntoniensis de Hundredo suo de Dounton, extra quas libertates nulli sunt Mercatores lanarum in balliua mea. Et iidem Balliui et Constabularius michi responderunt quod premunire fecerunt Iohannem Godhyne, Robertum de Cnoel, Willelmum

de Bereswek, Robertum de Wodefod, et Willelmum de Chezeman de Dounton, maiores mercatores lanarum in balliuis suis, quod sint ad diem et locum in isto breue contentos per Iohannem Gentyt et Robertum de Gore.

Northampton. Ego Humfridus de Bassingbourn vicecomes vos certifico super tenore huiusmodi breuis prout patet in cedula huic breui consuta.

[Schedule.] Ego Humfridus de Bassingbourn vicecomes Norhantescire premunire feci Willelmum Curteys de Bryckelesworth, Tydimannum le Swart de Brackele, Hugonem Curtoys de Heigham, Iohannem Venelle de eadem, Willelmum Knyght, Iohannem Dyoun, et Adam de Harendon, mercatores lanarum Comitatus Norhantescire essendi coram vobis ad diem in breui isto contentum. Et Willelmus filius Ade et Adam de Turneye, balliui libertatis ville Norhamton, qui plenum habent returnum omnium breuium domini Regis, qui michi certificant quod premunire fecerunt Iohannem le Waydour et Willelmum le Tekene essendi coram vobis ad eundem diem. Et Nicholaus Golafre balliuis libertatis hundredi de Fallewese, qui plenum habet returnum omnium breuium domini Regis, qui michi returnauit quod premunire fecit Henricum de Helidene mercatorem lanarum essendi coram vobis ad eundem diem. Et Hugo de Undele balliuis libertatis Abbatis de Burgo sancti Petri, qui plenum habet returnum omnium breuium domini Regis, qui michi returnauit quod premunire fecit Willelmum le Wellemongere de Twywek mercatorem lanarum essendi coram vobis ad eundem diem. Et Iohannes de Hethyngton balliuis libertatis hundredi de Rothewelle et Radulphus Knott balliuis libertatis honoris Leycestre Iohannes de Merle balliuis libertatis de nasso burgi michi retornarunt quod non sunt aliqui maiores mercatores lanarum infra libertates predictas. Vosque certifico quod post recepcionem huius breuis non fuerunt plures maiores mercatores extra predictas libertates alibi in balliua mea inuenti quos premunire potui essendi coram vobis ad diem in breue isto contentum.

Nottingham and Derby. Responsio Iohannis Darcy vicecomitis Nottingham.
Nomina maiorum mercatorum lanarum de balliua mea quos premunire feci essendi coram vobis ad diem in hoc breui contentum secundum tenorem huius breuis videlicet :

Nottingham.—Walterus de Dyne'.
Willelmus de Mekesburgh.
Willelmus le Cupper.

Newerk.—Iohannes Cayser.
Willelmus Sausemer.
Willelmus Soistunt.
Galfridus de Sibthorp.
Willelmus de Kilmynton.

Blida.—Simon le Sauser.

Retford.—Eustachius le Glouer de Retford.
Rogerus filius Sarre de eadem.

Nulli sunt mercatores in Comitatu Derby.

London. Premunire feci Hamonem de Godchep, Thomam ferentyz, Iohannem Priour Iuniorem, Wyntendum Brother, Willelmum Bray, Simonem Turgys, Ricardum de Betoynge, Iohannem de Grantham, Milonem Peytyoun, et Robertum . . . , maiores mercatores lanarum de balliua nostra, quod sint coram vobis ad diem et locum ut breui contentos, prout in eodem precipitur per Thomam de Welde et Thomam de Wodewelle.

Hereford. Radulphus de Chaundoz vicecomes respondit. Istud breue retornatum fuit balliuis libertatis Hereford qui habent retornatum omnium breuium, et Philipus de Werre balliuis dicte libertatis respondet: Premunire feci Iohannem Thurgrim et Iohannem Stephenes maiores mercatores lanarum quod sint coram domino Rege et suo consilio ad diem in breui contentum, et non sunt plures Maiores mercatores lanarum in balliua sua qui premunire possunt nec in balliua mea.

York. Ego Simon Warde vicecomes Eboraci mandau Nicholao Sauser, Iohanni de Seleby, et Willelmo de Fryston, balliuis libertatis Ciuitatis Eboraci, et Simoni de Hugate, Ricardo Roce, et Ricardo Donsynge, balliuis libertatis Archiepiscopi Eboracensis de Beuerlato Capituli Beuerlati, et prepositure Beuerlati, qui respondent prout patet in panelis huic breui consutis. Et ulterius mandau Roberto Wawayn balliuis libertatis de Scardeburgh qui nullum inde michi dedit responsum.

[*Schedule.*] Indentura inter Simonem Warde vicecomitem Eboraci et balliuos libertatis Ciuitatis Eboraci ad premunire facere omnes maiores mercatores lanarum quod sint coram Rege et consilio apud Eboracum in octabis sancte Trinitatis. Premunire fecimus omnes subscriptos quod sint ad diem in breui contentum per

Petrum de Haxiholm.
Robertum de Seriaunt.

Robertus Meek.
Thomas de Redenese.
Ricardus de Aluerton.
Ricardus le Coller.
Willelmus de Redenese.
Henricus de Belton.

[*Schedule.*] Indentura inter Simonem Warde vicecomitem Eboraci et Simonem de Hugat balliuum libertatis prepositure Beuerlati, Ricardum Roce balliuum Archiepiscopi Eboraci de Beuerlato et Ricardum Donsyng balliuum libertatis Capituli Beuerlati, ad premunire facere omnes maiores mercatores de libertatibus predictis coram Rege et consilio in octabis sancte Trinitatis. Premunire fecimus omnes subscriptos quod sint ad diem in breui isto contentum per

Mathaeum Donsyng.
Iohannem Goldsmyth.

Ricardus Tyrwhite.
Adam Tyrwhite.
Iohannes de Coppendale.
Adam de Coppendale.

Salop and Stafford. Responso Iohannis de Swynnertone est vicecomitis. Istud breue michi liberatum fuit die Mercurii proximo ante festum sancti Barnabe apostoli. Et statim illud retornaui

Iohanni Reymer et Willelmo le Skynner, Balliuis Libertatis ville Salopesburie, Nicholao Rendal et Edmundo le Palmer, Balliuis libertatis ville de Bruges, in quibus libertatibus omnes maiores mercatores lanarum sunt commorantes de balliua mea in Comitatu Salopesburie. Et isti balliui habent returnum omnium breuium qui nullum responsum michi inde . . .

Premunire feci Robertum le Retur de Stafford et Ricardum Sabyn de eadem, mercatores lanarum de comitatu Stafford, quod sint coram vobis ad diem in breui contentum secundum tenorem istius breuis.

Thomas le Rous vicecomes.

Warwick and
Leicester.

Premuniri feci omnes maiores mercatores lanarum de balliua mea quod sint coram domino Rege et consilio suo ad diem in breue isto contentum, et secundum tenorem istius breuis quorum nomina patent in cedula huic breui consuta.

[Schedule.]

Warrewyk.

Leycestre.

Maiores mercatores lanarum in Comitatu Warrewyk et Leycestre.

¹ . . . Pursere de Warrewyk
 . . . mpedeyne de eadem
 . . . Brenn de eadem
 . . . olmes Le Whytsmyth de eadem
 Radulphus Le Hunte de Couentre
 Ricardus atte Giens de eadem
 Radulphus de Tuwe de eadem
 Willelmus Deryng de eadem
 Andreas de Rydeware de eadem
 Robertus de Stone de eadem
 Petrus de Tuwe de eadem
 Henricus atte Muyre de eadem
 Willelmus le Hunte de eadem
 Galfridus Frebern de eadem
 Thomas de Toltham de eadem
 Willelmus de Leycestre de eadem
 Walterus de Clideshale de Birmyngham
 Willelmus le Merser de eadem
 Hugo de Merynton de Couentre.

Leycestre.

Ricardus Cagge de Leycestre
 Thomas Martyn de eadem
 Walterus Prest de Melton.

Westmorland.

Walterus de Strikland vicecomes.

Non est aliquis Mercator lanarum infra balliuam meam.

Oxford and Berks.

Ego Drogo de Batentyn vicecomes vobis significo quod Nomina omnium maiorum mercatorum lanarum in balliua mea qui premuniti sunt, tam per balliuos libertatum balliue mee qui habent per me returna omnium breuium domini Regis, quam per

¹ The corner of the schedule is torn off.

alios Balliuos et ministros meos, essendi coram vobis ad diem in isto breue contentum iuxta formam istius breuis, patent in cedula huic breui consuta Prout vel quoquomodo constare potest per responsa et retornaciones eorundem balliuorum.

Rutland. Iuo de Aldeburgh vicecomes Ruteland sic respondit. Nulli sunt mercatores lanarum in balliua mea, preter Radulphum de Bella Fago, quos potui premunire sicut breue exigit. Et dictus Radulphus postquam istud breue michi liberatum fuit non venit in eadem balliua mea, et ideo ipsum premunire facere non potui; set tamen, quam primum (?) venerit in dicta balliua, ipsum premunire faciam quod sit coram Domino Rege et consilio suo apud Eboracum ad faciendum quod ei ex parte domini Regis per ipsum Regem et consilium suum iniungetur.

Cambridge and Huntingdon. Responsio Almarici la Zusch. Istud breue michi liberatum fuit per manus Ade Bellyent die Mercurii proxima post festum sancte Trinitatis sero, ita quod ante diem infra contentum illud remittere non potui; set diligentius et mediis omnibus quibus inquirere potui michi constare potest, non sunt aliqui magni mercatores lanarum in balliua mea comanantes.

Somerset and Dorset. Premunire feci Willelmum Fonefacium Carlen, Stephanum de Snokweyes, et Iohannem de Brudeford, mercatores de Comitatibus Dorset et Somerset, item Thomam atte Aperlis (?) Willelmum le Sapere, Iohannem de Benewth, Iohannem Lynrht, et Ricardum Pulruwan, mercatores de Comitatu Somerset, quod sint coram vobis ad diem et locum in breui isto contentos.

Thomas de Marlebergh vicecomes.

Norfolk and Suffolk. Execucio istius breuis patet in cedula huic breui consuta.

Preceptum est	<table border="0"> <tr><td>Norwyc'</td></tr> <tr><td>Iernemuth</td></tr> <tr><td>Lenne</td></tr> </table>	Norwyc'	Iernemuth	Lenne	Preceptum est	<table border="0"> <tr><td>Beford</td></tr> <tr><td>Donewyc'</td></tr> <tr><td>Gippeswic'</td></tr> <tr><td>Ethedrede</td></tr> <tr><td>sanctus Edmundus.</td></tr> </table>	Beford	Donewyc'	Gippeswic'	Ethedrede	sanctus Edmundus.
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[Schedule.] Pro maioribus mercatorum lanarum premuniendis essendi ad diem et locum in isto breui contentos, prout breue requirit, retornatum fuit istud breue senescallis et balliuis Libertatum de Comitatibus Norfolk et Suffolk. Michi respondent in forma subscripta.

Feci returnum istius breuis Waltero de Byry, Thome de Colefeld, Iohanni Piremond, et Willelmo de Strumshaghe, balliuis libertatis Ciuitatis Norwici, qui habent returna breuium et execuciones eorum; et iidem balliui michi responderunt quod premunire fecerunt Robertum de la Sale, Iohannem de Hales, Iohannem de Corpsty, Edmundum de Derham, Nicholaum de Middelton, Ricardum Berte, Willelmum Courzoun, Galfridum Cantel, Ricardum de Byteringe, et Ricardum de Sculthorp essendi coram domino Rege et eius consilio ad diem et locum in breui contentos per Rogerum de Lopham et Walterum Ode: Et quod Willelmus de Dimstone

unus Lanatorum de balliua sua est in partibus transmarinis et non fuit in eadem post aduentum istius breuis.

Feci eciam returnum istius breuis Roberto de Drayton, Iohanni Perebroun, Willelmo de Lincoln, et Stephano de Catefeld, balliuis libertatis ville magne Iernemouth, qui habent returna breuium et execuciones eorum; et iidem balliui michi responderunt quod nulli sunt maiores mercatores lanarum in balliua sua inuenti post aduentum istius breuis, per quod nichil inde facere potuerunt. Feci eciam returnum istius breuis Petro de Welle Senescallo Libertatis ville de lenne Episcopi, qui habet returna breuium et execuciones eorum; et idem Senescallus michi respondit quod premuniuit Iohannem Burghard, Iohannem de Swerdestone, Iohannem Gigge, et Willelmum de Hunegheton, maiores mercatores lanarum in balliua sua, essendi ad diem et locum in breui contentos; et ulterius inde michi non respondit.

Feci eciam returnum istius breuis Ricardo Lieu et Waltero de Westhale, balliuis Libertatis ville Gippewici qui habent returna breuium et execuciones eorum; et iidem balliui michi responderunt quod nulli sunt maiores mercatores in balliua sua preter Iohannem de Whatefeld, Gilbertum Robert, et Willelmum Malyn, quos premunire fieri fecerunt essendi coram domino Rege et consilio suo, prout breue requirit, per Thomam de Stoke de Gippewico et Edmundum Curtoys.

Feci eciam returnum istius breuis Willelmo Austyn et Willelmo Bernard, balliuis libertatis ville Donewici, qui habent returna breuium et execucionem eorum; et iidem balliui michi responderunt quod nulli sunt tales mercatores in balliua sua, et ulterius inde non responderunt.

Feci eciam returnum istius breuis Roberto de Asphale Senescallo Libertatis sancti Edmundi, qui habet returna breuium et execuciones eorum; et idem Senescallus michi respondit quod fecit returnum returni sui predicti Iohanni de Luton et Iohanni de Lincoln, balliuis ville de sancto Edmundo, qui habent returnum de returno breuium et faciunt execuciones eorum; qui sibi sic respondent, quod non est aliquis magnus mercator in balliua sua quem premunire potuerunt prout breue requirit. Et ulterius predictus Senescallus michi respondit quod extra eandem villam in balliua sua premunire fecit Alexandrum Camaylle, Rogerum Hurlebat, et Robertum Stouke, mercatores lanarum, quod sint ad diem et locum in breui contentos per Willelmum Priket et Petrum Cut, et quod plures mercatores lanarum non sunt inuenti in balliua sua.

Feci eciam returnum istius breuis Waltero de Westhale balliuo Libertatis sancte Etheldrede, qui habet returna breuium et execuciones eorum; et idem balliuus michi respondit quod de execucione istius breuis nichil fecit pro eo quod nulli maiores mercatores lanarum sunt in balliua sua, prout per sacramentum proborum et legalium hominum inuenit.

Et ego Iohannes Howard nunc vicecomes Norfolk et Suffolk vobis significo quod nullos alios maiores Mercatores in balliua mea extra libertates predictas inueni postquam istud breue michi liberatum fuit, quos premunire potui secundum tenorem istius breuis, preter Dauid de Donne, Robertum Fanles, et Radulphum de Reynham, quos premunire feci essendi coram domino Rege et eius consilio ad predictos diem et locum, prout breue requirit, per Robertum filium Willelmi, Richerum de Salle, Ricardum de

Topetroft, et Henricum de Rugham. Et plures maiores mercatores lanarum in balliua mea non inueni postquam istud breue michi venit quos premunire potui propter temporis breuitatem.

Nomen vicecomitis Iohannes Howard.

Books brought from Spain in 1596

IN the Cathedral library at Hereford is a small collection of books that once belonged to Edward Doughtie, who was dean of Hereford from 1607 to 1616. About him there is not much detail to be found. The Master of St. John's College, Cambridge, has with great kindness communicated to me all that he knows of the future dean's career at the University, and of his ecclesiastical preferment. Doughtie was a native of Derby, and matriculated at Cambridge 6 October 1564 as a pensioner from St. John's, where he was admitted a Foundation Scholar 10 November. In 1568-9 he was B.A. and in 1572 M.A. As there does not seem to have been another Edward Doughtie at either Oxford or Cambridge about this time, it is likely that he is the person who held the following list of benefices, mostly in succession: Holy Trinity, Dorchester, Dorset, 1580; Banwell, Somerset, 1584; Loxton, Somerset, 1587; Chard, 1591; Whitchurch Canonicorum, Dorset, 1595; Houghton, Hants, 1600, which he exchanged on 30 September 1603 with a certain John Cradock for a living in Dorset,¹ presumably Hawkchurch in that county, which he acquired in 1605. That he knew how to make himself useful to those in power appears from a letter which he wrote to Nottingham from Chard, 5 August 1603, planning the arrest of certain seditious persons.² It was perhaps for such service that he was rewarded with his deanery in 1607. Even after that he continued to accumulate livings. In 1608 he secured one of the Cathedral prebends, Gorwall and Overbury; and then the churches of Hampton Bishop 1609, and Bodenham 1610, both in Herefordshire; resigning them in 1615 on acquiring Stockport in Cheshire, where he was buried 7 October 1616.

His books reveal an interesting episode in his life: that though now a man of about forty-five, and a beneficed clergyman holding two livings, he accompanied the expedition of Essex and Raleigh to Cadiz in 1596. His position in the fleet was no doubt that of a chaplain. It was a large force, with nearly 7,000 soldiers besides the seamen; and the first order of the 'discipline directed by the Generalls' was 'that you take a special care to serue God by vseing of Common Prayer twice euerie daye'.² So that many

¹ *Calendar of State Papers.*

² Narrative of Sir W. Slynghisbye, who served on the expedition; Bodleian MS., Ballard 52 (10838), fol. 41.

chaplains must have been required. The fleet arrived off Cadiz on 20 June, and two days later the town was captured. The very next morning, 23 June, Doughtie had begun to gather a few additions to his private library from the Jesuit College. The list of them is as follows, nos. 1-17; nos. 18-23 having come to him at uncertain or definitely later dates.

1. Biblia Latina. fol. Antw. 1570. (A. 2. 11)

2. Azpilcueta (M. ab) *Enchiridion Confessariorum.*
8vc. Lugd. 1592. (M. 9. 10)
3. Jansenius (C.) *Paraphr. in Psalmos. Comment. in Prouerbia et Ecclesiasticum.*
fol. Lugd. 1578. (B. 4. 6)

4. Catharinus (A.) *Opuscula.* 4to. Lugd. 1542. (M. 9. 3)
5. Pintus Lusitanus (H.) *In Ezechielem Comment.*
fol. Salmant. 1568. (B. 6. 3)
6. Ireñaeus *Aduersus Valentini haereses.* fol. Paris. 1575. (H. 6. 9)
7. Medina (B. a) *Expositio in primam secundae.*
4to. Salmant. 1578. (M. 4. 6)
8. Ribera (F.) *In librum xii prophet. Comment.*
fol. Salmant. 1587. (B. 6. 7)
9. Toletus (F.) *In Ioannis Euang. Comment.* fol. Lugd. 1589. (B. 6. 4)

10. Castro (A. a) *De potestate legis poenalis.* fol. Salmant. 1551. (M. 9. 1)
11. Dorman (T.) *Proufe of certeyne articles denied by M. Juell.*
4to. Antw. 1564. (N. 6. 6)
12. Stapleton (T.) *Return of Vntruthes vpon Mr. Jewelles replie.*
4to. Antw. 1566. (N. 6. 5)
13. Saunder (N.) *Supper of Our Lord.* 4to. Louanii. 1566. (N. 6. 7)
14. Soto (D.) *De Natura et Gratia.* fol. Salmant. 1566. (M. 8. 12)
15. Soto (D.) *De Iustitia et Iure.* fol. Salmant. 1569. (M. 8. 11)
16. Medina (B. a) *Expositio in tertiam D. Thomae partem.*
4to. Salmant. 1580. (M. 4. 7)
17. Pintus Lusitanus (H.) *In Daniele, Lament. Hieremiae, et Nahum Comment.*
8vo. Colon. 1582. (B. 3. 7)

18. Galatinus (P.) *De arcanis Catholicae Veritatis.*
fol. Basil. 1550. (C. 8. 10)
- Villadiego (G. de) *Contra hereticam prauitatem.*
fol. Salmant. 1496. (C. 8. 10)
- Fasciculus Temporum.* fol. August. 1480. (C. 8. 10)
19. Martyr Vermilius (P.) *Loci communes.* fol. Lond. 1583. (D. 8. 9)
20. Ricius (P.) *Ars Cabalistica.* fol. Basil. 1587. (D. 6. 9)
- Reuchlin (J.) *De Arte Cabalistica.* fol. s. a. et 1. (D. 6. 9)

21. Morton (T.) *Apologia catholica ex meris Iesuitarum contradictionibus conflata.* 4to. Lond. 1605. (D. 3. 12)
- 22, 23. Cicero. *Opera omnia.* 2 voll. fol. Geneuae. 1584. (L. 8. 1, 2)

The connexion of 1-17 with Cadiz and with Doughtie is shown in various ways : by manuscript inscriptions, by a library stamp (2), by similarity of binding. For 18-20 there is no need to suppose the Cadiz origin : 21-3 were bought by Doughtie in later years. The manuscript inscriptions are as follows, those of Doughtie being evidently autograph :

1. Edw. Doughtie. Cadez : e collegio societatis Iesu : 23 Iu. 1596, iure belli.
2. Edw. Doughtie. Cadiz. (Stamped on title) : P. DEL SSA CASA. JHS.
3. Del collegio de la Comp^a. de Jesus de Cadiz. Dio lo de limosna el^{or} Pedro de Baeça. Costo 44 reales.
- 4-9. Edw. Doughtie. Cadiz. (On 5 also : el doctor Forres.)
- 18, 20. Edw. Doughtie.
19. Edw. Doughtie.
21. Edw. Doughtie : 5^s. 29 Maii 1606.
22. Edw. Doughtie : 2 Maii 1607. p^{ci}. op. 32^s. 2^a. manu.
23. Edw. Doughtie : 2 Maii 1607. p^{ci}. op. 31^s.

Of 10-17 the only one which has any inscription is 10 : Fr. Diego delrrio. But that they formed part of the collection filched by Doughtie from Cadiz may be presumed from the binding, which in all is a thin white vellum, turned over in flaps, and with red edges to the leaves, exactly resembling that of 2 and 7. Though thin vellum was much affected in Spanish bindings of that date, this does not seem to me typically Spanish : for the corners of the backs are squared instead of rounded, and in place of the calligraphic inscriptions beloved of Spanish taste, running up the backs, these have no external indications of the contents. Nevertheless the books appear to be in their original dress, and not to have been re-bound ; and 16 is a companion volume to 7 in all but date. It seems therefore a probable inference that this block, 10-17, were brought home by Doughtie from Cadiz with the rest.

The expedition left Cadiz on 5 July 1596, and sailing westward touched at Faro in Algarve. Slyngisbie's narrative does not mention any books there. The inhabitants, he says, fled to the mountains, leaving oxen and sheep along the roads, which the hungry English soldiers rounded up with great satisfaction. The town was set on fire in many places, and then the marauders re-embarked. But Essex's captain, Sir William Monson, gives a different account.³ To him Faro was ' a place of no resistance or wealth, only famous for the library of Osorius, who was bishop of that place ; which library was brought into England by us, and many of the books bestow'd upon the new erected library of

³ *Naval Tracts*, in *A Collection of Voyages and Travels*, London, A. and J. Churchill, iii, 1704, p. 187.

Oxford'. Raleigh, too, when he reached Plymouth and was examined by the Prize Commissioners, 10 August, confessed among other spoils to 'one chest of printed books', which were not seized from him.⁴

Of the books, 200 and more, presented by Essex in 1600 towards the nucleus of the library Bodley was collecting as a gift for his University, a detailed examination has never been published. In some of the earlier-dated books there is not the slightest sign of Spanish origin or ownership: they may have been collected by Essex at different times in his life, in the days when he was the friend of Bacon, and 'a serious, modest, and large-minded student both of books and things'. But there are a number of books printed in Spain, bound uniformly in black calf, and stamped with a clearly distinguishable coat of arms, which Mr. E. Gordon Duff has identified with that of Ferdinand Martins Mascarenhas, bishop of Faro from 1594 until his resignation in 1618. No book has been found bearing any trace of possession by Osorius; and Mascarenhas's cannot have been inherited from him, for they are mostly later in date than Osorius's death, which occurred in 1580. So Monson's narrative may be incorrect in that point. But Mr. Duff's discovery shows clearly that Essex took the opportunity to pick up books at Faro, perhaps at Doughtie's suggestion, or at least on his example.

The conduct of the English generals and of one of their chaplains in this matter is not defensible, upon modern standards of right and wrong. We may remember that in Doughtie's day Spain had been imprisoning, torturing, and burning as heretics any English seamen who, on peaceful errands bound, chanced to fall into the unforgiving hands of the Inquisition; so that he may well have felt at Cadiz that there was a reckoning to pay. Osorius, too, at Faro may have seemed fair game. Though the Hakluyt of Portugal, he was also a vigorous controversialist. He had attacked the queen in an open letter, and had engaged the Protestants with 'odious insectations' which had called forth 'answers apologeticall'. To descend upon his library and plunder his successor was a temptation too strong to be resisted.

Since this paper was written, Miss K. M. Pogson, now acting on the Bodleian staff, has found in the Library a volume presented by Doughtie, also from his spoils at Cadiz:

Stella (Did.) *In Euangelium sec. Lucam Enarrationes.*

fol. Compluti. 1577-8. (S. 9. 4. Th.)

with the following manuscript inscriptions:

(1) on a fly-leaf, 'del Collegio de Cadiz'.

⁴ *Calendar of State Papers*

(2) on title,

(a) 'Esta corregido y emendado conforme al expurgatorio dela sancta Inquisicion. Melchier de Gadea'; the signature perhaps by a different hand.

(b) 'Es dela Comp^a. de Jhs. de Cadiz'; by another hand.

(3) on verso of another fly-leaf,

'Bibl. Publ. Oxon. Dono dedit Reuerendus Vir Edwardus Doughtie, Decanus Ecclesiae Cathedralis Herefordensis, 13 Mart. 1612'; inscribed by Thomas James, Bodley's first librarian.

The binding is in calf, perhaps Spanish, with some heraldic bearings which I cannot interpret.

P. S. ALLEN.

*The Diary of a Cattle Expedition among the Hottentots
in 1707*

THE following Journal is the account of a cattle expedition undertaken on behalf of the Dutch East India Company by their master gardener, Jan Hartog, in the year 1707. The object of the expedition is described in the Journal of the Council of Policy. At a meeting held on Tuesday, 25 October, all the members of the Council being present except Jacob Cruse, the garrison book-keeper, it is recorded :

Dewijl men hier althans 's Compagnies weegen, soo door versterf als oudendom en onbequaamheid seer schaars van goede trek en werk beesten is verzien, sulx daar door de dagelijke nodige rijwerken meer en meer staante vertragen en ten agteren te gaan; so is op de propositie van de pl. gezaghebber de heer Joan Cornelis d'Ableing een paarig goedgevonden ende geresolveert, om 's compagnies gemeene werken in geen verval te brengen maar, soo veel doenlijk, haar behoerlijke voortgang te doen houden, in 't korte een afsendige van eenige Compagnies' dienaaren te doen naar de omleggende Hottentotse natien ombij deselve een goede partij jonge runderbeesten, ossen en bullen voor de gewoonlijke goederen en materialen, zien te handelen en in te ruijlen immers soo veel als zijluiden op de jagste en minnelijkste wijzen bequamlijk sullen kunnen bemagtigen. Desgelijx ook eenige Hottentots schaapen voor 's Compagnies slaven alhier, om die nu en dan daar van te spijsigen als werdende een paarig geoordeeld dat sulx veel tot haar gesontheit en welstand sal contribueeren en het voor de Compagnie ook immers soo voordeelig is als gestadig bis daar aan uijt te rijken. Tot welke expeditie als hoofd is benoemd en aangesteld den baas Thuijnier Jan Hartog als verschijdene reijzen op diergelijke togten voor de Compagnie uijtgeweest zijnde en die met de Hottentotse natien wel wert te gaan.¹

There is little reason to doubt that this was the real object of the expedition. Such expeditions were of by no means unusual occurrence. On rare occasions indeed the Hottentot tribes would bring cattle to Cape Town to barter, as they did, for example, when

¹ Journal of the Council of Policy, 25 October 1707, Cape Archives, 292.

Governor-General van Hoorn was at the Cape in 1710,² but only a few were obtained in this way, and more usually it was necessary to send out expeditions. Such expeditions were Landdrost Starrenburgh's well-known expedition in 1705;³ another journey of Hartog's in 1710;⁴ an expedition in 1716, when the Company having lost a large number of draught oxen, the superintendent of the 'Schuur', Wolfgang Swartzenburg, was sent to obtain some more by barter from the Hottentots;⁵ another expedition under a sergeant and corporal at the end of 1717;⁶ and three expeditions in 1721,⁷ 1722,⁸ and 1724,⁹ under the Ensign Rhenius. It must be remembered that the Seventeen had decided to give up farming operations at the Cape at the end of the seventeenth century, and that therefore the draught oxen required for the Company's wagons could not be recruited from their own herds. The meat licence was held for the second half of the year 1707 by Claas Hendrikz Diepenauw, who was to take care that the Company was never left unsupplied with good and serviceable meat at 1 $\frac{3}{4}$ stivers per lb.¹⁰ But it was not to be supposed that the Company would buy meat for the slaves, though undoubtedly an occasional diet of meat would be a beneficial change from the usual fish and rice.

It is interesting, however, to find that in their dispatch to the Cape dated 21 July 1707,¹¹ the Seventeen expressed their surprise that on 30 August 1705 655 head of cattle and 321 horses were on the returns. The returns given in the dispatch dated 15 April 1707 were still higher, amounting to 771 cattle and 311 horses, and in their dispatch dated 23 August 1708 they again remonstrated.¹² Meanwhile the Cape Government had replied to the former dispatch on 10 August 1708.¹³ They pointed out that though the number of horses was large considering that most of the work was done by oxen, yet most of the horses were taken care of free of expense or loss to the Company, and by as few men as if the number were smaller, and that from a military point of view a large body of cavalry was most desirable in the event of an enemy landing. With regard to the cattle,

655 are not too many to make it superfluous to barter more, as hardly half are fit for work from age and poverty. They are, however, killed for the slaves; others again are untrained and young. Annually also some die off. It is therefore often difficult to keep 11 or 12 waggons going with

² *Précis of Journal, 1699-1732*, ed. by H. C. V. Leibbrandt, 1896, p. 219.

³ *Korte Deductie*, translated by Leibbrandt, 1897, Annexure N 3.

⁴ *Journal*, p. 243. ⁵ *Ibid.*, p. 269. ⁶ *Ibid.*, p. 274. ⁷ *Ibid.*, p. 285.

⁸ *Ibid.*, p. 292. ⁹ *Ibid.*, p. 299. ¹⁰ *Ibid.*, pp. 122, 123.

¹¹ *Précis of Letters Received, 1695-1708*, edited in translation by Leibbrandt, 1896, p. 467. ¹² *Inkomende Brieven, 1709*, Cape Archives, 527.

¹³ *Précis of Letters. Despatched, 1696-1708*, edited in translation by Leibbrandt, 1896, p. 387.

sufficiently able draught oxen, especially as fuel and timber have to be fetched from such a distance and a span can only be employed every third day whilst the others are pasturing. Moreover a large number is to be kept on in other pastures in order to relieve those at hand impoverished by work. Will do our best to manage as economically as possible.

On 15 April 1709¹⁴ they acknowledged the second complaint, but contented themselves with referring to their former letter sent with the 'Duiven' on 10 August. With these replies the Seventeen seem to have been satisfied, for there seem to be no further complaints in Letters Received.

There are one or two local letters which seem to show that this need for more oxen was not purely imaginary. On 25 October 1707¹⁵ a letter was sent to Sergeant Hamerling on Robben Island to say that there were no draught oxen at hand now to spare, but an expedition was to be sent to the Hottentots to get some, and some would be sent after its return. Similarly on 16 May 1709¹⁶ P. van den Bergh writes from Vergelegen to say that he is sending up five leggers of green-grape wine; that there is more to come, but Baas Hertogh says that he has lost so many oxen by death that he can only send five wagons to the Cape. The rest was sent a few days later. Further, it is interesting to note that of the 220 'jonge ossen' brought back by Hartog on this expedition of 1707 'wel honderd bequaam zijn om onder't juk te gaan'.¹⁷ On other expeditions complaints are made that the oxen are so young. The dispatch of 1708 unfortunately does not include the returns of the Company's stock, but in 1708 there were 332 horses, 133 Cape sheep, and 856 head of cattle.¹⁸

The expedition of 1707 was fairly successful, though it is well to note that it was conducted among the Chainoquas, probably the richest of the Hottentot tribes. Hartog returned with 220 oxen and 242 sheep after a journey of only about three weeks. In 1705 it took Starrenburgh six weeks among the Gonnemas and Namaquas to collect 179 head. In 1711, however, Hartog got '363 ossen en bullen benevens 566 schaapen'. Swartzenburg took six weeks in 1716 to collect 288 head. Ensign Rhenius in 1721 could only obtain 121, and in 1722 164.¹⁹

Perhaps the most important passages are those in which the Hottentots make complaint to Hartog of the trading methods of the burghers. It will be recollected that in 1700 the trade with the Hottentots was opened to the burghers on condition that

¹⁴ *Uitgaande Brieven*, 1709, Cape Archives, 762.

¹⁵ *Letters Despatched*, p. 335.

¹⁶ *Inkomende Brieven*, 1709, Cape Archives, 527.

¹⁷ *Journal of Council of Policy*, 1707, Cape Archives.

¹⁸ *Uitgaande Brieven*, 1709, Cape Archives, 762.

¹⁹ See references given above.

should the Company require any draught oxen the freemen should supply as many as were wanted at 10 f. each²⁰ whenever so ordered by the governor. Van der Stel had, however, always opposed the opening of the trade, and at the end of 1702 closed it again, partly on the excuse of the abuses brought to light in the inquiry into the expedition of 1702, partly because of previous complaints.²¹ In 1705, however, it was reopened by order of the Seventeen, and the stipulation about the draught oxen seems to have been omitted.²² Hartog in 1707 brings back further complaints against the burghers. We may probably take it that these complaints were actually made. It is true that Hartog had been made use of by van der Stel on several occasions, and that he probably felt dislike for the colonists. The Hottentot complaints would fall on willing ears. But it seems hardly likely that he would have invented the complaints just after the fall of his former master.

It is another question, however, how much support there was for the complaints. Koopman was an old and experienced chief and had had many close dealings with the authorities at the Cape. He was anxious to obtain help²³ against the Bushmen, who had evidently been causing considerable trouble. He must have known well enough that nothing was more likely to gratify the Council of Policy than an expression of gratification that the Company had come again to trade, for the burghers always plundered and stole. It is further to be noticed that the eight Hottentots who testified against the traders of 1702 belonged to the Sousequa tribe, and said that they had accompanied that expedition from the kraal of Captain Koopman.²⁴ Out of the eight who gave evidence in 1702 Hartog met on this expedition Poesje, Wittebooi, and Dacha, and possibly Hans Melger is the Hans of the previous occasion. The Sousequas knew very well what was likely to please Hartog, and, like all natives, were anxious to say what would please. Still, when all allowances have been made, there seems to be a considerable amount of truth in the Hottentot complaints. There are the revelations made by the inquiry into the expedition of 1702;²⁵ there are the complaints made to Landdrost Starrenburgh on his expedition of 1705 among the Gonnemas and Grigriquas;²⁶ there are the later complaints that led to the Seventeen stopping the free cattle barter in 1727.²⁷ It is true, as Dr. Theal and Professor Fouché have pointed out,

²⁰ *Journal*, p. 25.

²¹ *Letters Despatched*, 1 April, 1703, p. 219.

²² See the dispatch, 24 July 1704, *Letters Despatched*, p. 347.

²³ As he had previously done against the Ubiqua Hottentots: see *Letters Despatched*, 1704, p. 235.

²⁴ See *Korte Deductie*, Annexure M 2.

²⁵ See Annexures M to the *Korte Deductie*. An account of the expedition has been worked out by Dehérsain in *Le Cap de Bonne Espérance au XVII^e Siècle*.

²⁶ *Letters Despatched*, 1705, p. 280.

²⁷ Theal, *History of South Africa before 1795* (ed. 1909), ii. 484.

that these expeditions were not conducted by the more respectable burghers in person.²⁸ These traders, however, were the agents of men like van der Heiden, and the latter must have had a fairly shrewd idea of what was likely to take place when they employed such agents. But the early colonists of any settlement have seldom been over-scrupulous in dealing with natives.

The expedition lasted only three weeks, and was never more than forty Dutch miles from Cape Town.²⁹ Most of its business was conducted with the Chainoqua Hottentots, who were then dwelling beyond Hottentot Holland. The Chainoquas at the time of the arrival of the Dutch were probably the most powerful group, and apparently exercised a loose supremacy over the other groups in the neighbourhood of the Cape. Their chief was then Sousa, after whom the Dutch soon began to call them Sousequa Hottentots.³⁰ Sousa died in 1664,³¹ and then apparently the chieftainship was disputed between Captain Klaas and Captain Koopman, both of whom were recognized by the Company in 1672³² by the usual gift of silver-knobbed sticks engraved with the Company's monogram. The struggle between the two was unceasing. Until 1692 Klaas was as a rule supported by the Company, but in that year he insulted Ensign Schrijver and Koopman seized his opportunity to win over the Dutch authorities. The struggle between the two continued till Klaas was killed in June 1701, when Koopman was apparently left supreme.³³ But this civil strife must have greatly weakened the tribe, and accounts for the Bushman inroads complained of to Hartog. It is interesting to notice that on Friday, 11 November, reference is made to '5 Hessequas bossiesmans Hottentots', and that 'onse Hottentots ruijlden voor tabak en haar halscraalen van haar hun bogen, kokers en pijlen'. This seems to confirm Stow's conjecture³⁴ that the Hessequas were not true Hottentots,³⁵

²⁸ Theal, *W. A. van der Stel, and other Historical Sketches*, p. 201; W. Fouché, *Het Dagboek van Adam Tas* (1914), p. 335.

²⁹ See Journal of Council of Policy, 22 November 1707, Cape Archives, 292. It will be noticed that in accordance with the general Dutch custom all the distances in the Diary are estimated in hours' riding and not by miles.

³⁰ Stow, *Native Races of South Africa*, pp. 243-4.

³¹ Theal, *Hist.* ii. 155.

³² *Ibid.* ii. 210.

³³ *Ibid.* ii. 351-4.

³⁴ Stow, *Races of South Africa*, p. 244: 'Another powerful tribe was the Hessequa tribe living far north but to the westward of the present division of Swellendam. Their language was so different from the Chocoquas that they could only communicate through Chainoqua interpreters. The fact is significant and would certainly suggest that these Hessequas were not true Hottentots, but rather either a mixed race in which the Bushman element so much predominated that its language had been adopted by them, or else a purely Bushman tribe. The additional fact that these people were frequently threatening to drive the Chainoqua and Gorinhaiqua out of the land, would seem to indicate that the latter is the most probable.'

³⁵ It would not, however, be fair to argue from the phrase that the Hessequas were of mixed origin. Bushmen were at this time not infrequently referred to as Bushmen Hottentots. Cf. Starrenburgh's letter of 28 November 1705, Cape Archives, 524.

but were rather of a mixed origin in which the Bushman element tended to predominate. The Diary also gives some interesting notes on Hottentot habits. They did not, it will be noticed, live in villages, but, as Starrenburgh wrote to van der Stel in 1705, 'in kraals scattered over the whole veld, hither and thither by the side of fountains and waterpools'.³⁶ No mention is made either in the Diary of the Expedition, or in the Journal of the Council of Policy, or in the Letters Despatched to the Seventeen, of the prices paid for the oxen and sheep on this occasion. But we can obtain some idea from the fact that on his 1710 expedition Hartog bought 363 oxen and bulls and 566 sheep for 170,000 copper beads, 32 lb. of glass ditto, 3 gross of short tobacco pipes, and 539 lb. of tobacco, goods representing a sum of 863 fl. 7 stivers.³⁷ When the Hottentot Captains Cristoffel and Conrasie brought a present of 11 young oxen to His Honour Governor-General van Hoorn on 7 March 1710, they were presented with '22 lb. of tobacco, 1,000 large, 2,000 medium, and 4,000 small copper beads, 11 lb. of glass beads, 14 cans of arrack, and 20 lb. of rice, with which they left well satisfied'.³⁸ The prices paid by Starrenburgh on his expedition in 1705 were similar. Thus he says on 22 November :

Finally after a day's talk I obtained 38 head for which I gave 38 lbs. of tobacco, 38 bundles of copper beads, glass beads, brandy and pipes ; also 8 sheep paid for with 4 lbs. of tobacco. We gave the captains 5 lbs. of tobacco and six bundles of copper beads.³⁹

The cattle and sheep bartered for are thus described by Dr. Theal :

The ox of the Hottentot was an inferior animal to that of Europe. He was a gaunt bony creature with immense horns and long legs, but he was hardy and well adapted to supply the wants of his owner. The sheep possessed by the Hottentots were covered with hair instead of wool, were of various colours and had long flapping ears and tails three or four kilogrammes in weight. The tails were composed almost entirely of fat, which could be melted as easily as tallow, and which was relished as a dainty. Animals possessing such appendages were of course hardier than European sheep and could exist much longer on scanty herbage in time of drought.⁴⁰

The expedition went 'onder 't bestier en commando van den baas Thuijnier Jan Hartogh die geschiedene reizen op diergelijke togten voor d'E: Compagnie is uijtgeweest en met de Hottentots bijzonder wel weet'.⁴¹ It consisted of a Corporal Pieter Wagenaar and four soldiers ; it took two baggage-wagons with two European wagon-riders and two slaves, and picked some Hottentots

³⁶ Inkomende Brieven, 3 December 1705, Cape Archives, 524.

³⁷ Uitgaande Brieven, 15 April 1711, Cape Archives, 763.

³⁸ Journal, p. 224.

³⁹ *Korte Deductie*, N 3, Leibbrandt's translation, p. 164.

⁴⁰ Theal, i. 39-40.

⁴¹ Uitgaande Brieven, 18 April 1708, Cape Archives, 762.

up on the way, who accompanied the expedition to its end.⁴² Hartog was indeed well qualified to head the expedition. He had been in the colony for many years. In 1710 he was sent on a similar expedition and is described 'als het land hier omtrent wel het best bekent zijnde'.⁴³ He had been sent out in 1690⁴⁴ with Oldenland, to whom he acted as under-gardener. He succeeded as master gardener in 1697 on Oldenland's death.⁴⁵ His salary was then 60 gulden a month, and he had under him an under-gardener and a great number of slaves continuously at work in the garden, in the development of which at that time the Dutch East India Company took very great interest.⁴⁶ Kolbe describes himself having daily conversation with and being indebted above all else to the gardener Jan Hartog, 'meinen besondern Freund und Naebarn'.⁴⁷ He was made much use of by Willem Adriaan van der Stel in the development of Vergelegen, and seems to have been a very convenient tool.⁴⁸ In May 1703 he obtained a grant of 119 morgen 555 roods next to Vergelegen, but sold it for 1,200 florins light money to the governor in October 1705.⁴⁹ In 1704 he also obtained a grant of land in town in Blok N.⁵⁰ In 1705 he was ordered to accompany Starrenburgh's expedition for the express purpose of paying 'particular attention to the situation, the advantages and fruitfulness of all lands traversed'.⁵¹ Professor Fouché thinks that this was only an excuse, and that Hartog

accompanied the party not for purposes of scientific observation but simply to trade on van der Stel's behalf. The flora of the district through which the party travelled had been known for years as intimately as the flora of the peninsula. And from the correspondence between Starrenburgh and van der Stel it is clear that through the expedition Hartog is scarcely ever in Starrenburgh's company, but goes cattle trading independently and upon his own.⁵²

Whatever may be the case with regard to the flora, the areas round the Cape settlement seem to have been by no means exhaustively explored in 1705. In 1710, for example, a report by the burgher Andries Finger was laid on the table of the Council of

⁴² Journal, 22 November 1707, Cape Archives, 292.

⁴³ Uitgaande Brieven, 15 April 1711, Cape Archives, 763.

⁴⁴ 'In addition to Oldenland we are sending you Jan Hartogh, who comes as a cadet in the *Pampus*. He has a good knowledge of herbs, home and foreign, and their nomenclatures, specially those for apothecaries': Inkomende Brieven, 1690, Cape Archives, 514.

⁴⁵ For Oldenland's death see Journal, February 1697, Cape Archives.

⁴⁶ Valentijn, *Beschrijving van de Kaap*, p. 20.

⁴⁷ Kolbe, *Caput Bonae Spei hodiernum*, &c. (German ed. of 1719), p. 256 a.

⁴⁸ Theal, *Hist. Sketches*, p. 219.

⁴⁹ Uitgaande Brieven, 1710, Cape Archives, 762; Old Cape Freeholds, i. 474, Surveyor-General's Office, Cape Town.

⁵⁰ Old Cape Freeholds, ii. 23.

⁵¹ *Korte Deductie*, Annexure N 2, Leibbrandt,

Translation, p. 151.

⁵² *Diary of Adam Tas*, p. 341.

Policy,⁵³ dealing with inland forests discovered by him on a barter tour among the Hottentots; one of which was at the 'Rivier Zonder End', eight days from Cape Town, and in April of 1711 W. van Putten and Hartog were sent to examine its timber possibilities.⁵⁴ Moreover, on October 27 Starrenburgh records quite incidentally that he and Hartog were searching for bulbs when they again saw the sea.⁵⁵ The Journal only records two absences of Hartog's, one 23-25 November, and the other 3-4 December,⁵⁶ on both of which occasions he visited out-of-the-way kraals to barter in the same way as Wagenaar was sent off in 1707. There seems to be no real reason to doubt his bona fides on this expedition. The fall of van der Stel does not seem to have affected his position. We find him in 1709 dealing with the wine at Vergelegen;⁵⁷ in 1707 and 1710 going on further cattle-bartering expeditions; in 1711 going to examine the possibilities of the forests at the Rivier Zonder End, and so forth. It is clear from the style of the Diary that he was a man of little education or literary ability, but rather a man of practical common sense and experience, well fitted to conduct a bartering expedition among the Hottentot tribes.

The copy of the Diary extant is not the original, but evidently a fair copy made by one of the clerks under the secretary to the Council of Policy. Only the last sentence and his signature are in Hartog's writing. Wagenaar's signature is also his own—that of a man who signs his name only with considerable difficulty.

J. L. W. STOCK.

DAGVERHAAL GEHOUDEN OP DE VEERUILING VOOR DE COMPAGNIE BIJ DE
HIER OM HEEN LEGGEND HOTTENTOTS ONDER 'T GEZAG VAN DE BAAS
THUIJNIEER JAN HARTOGH.¹

1707. Dinsdag den 1^{en} November. Nadat wij onse depesches hadden ontfangen zijn wij des morgens omtrent tien uren uijt het Casteel gegaan in 't geheel stuk agt Europeaanen² en twee slaven te weeten:

Jan Hartog Baas Thuijnier.

Pieter Wagenaar corporaal.³

Hendrik Hansz soldat.

Pieter Janz do.

David Ophuijsen do.

Joannis Groenewald do.

Jurgen Altrok wagenreider.

Barend Harmensz do.

Zijn dien avond gekomen in Hottentots Holland alwaar wij onse nagtrust namen.

⁵³ *Journal*, p. 233.

⁵⁴ *Ibid.*, p. 247.

⁵⁵ *Korte Deductie*, Annexure, N 2, p. 156.

⁵⁶ *Ibid.*, pp. 164, 165.

⁵⁷ *Inkomende Brieven*, 1709, Cape Archives, 527.

¹ Cape Archives, 704. ² Vide Int. ³ Of Dantzig: *Letters Despatched*, p. 382.

Woensdag 2 do. Omtrent ten 2 uuren nadmiddag gingen aan 't marcheeren en quamen tegen den avond onder de Cloof van het gebergte die door de Hottentots Gantouw werd genaamt en door ons het Elands pat.⁴

Donderdag 3 do. Met den dag begonnen wij het goed over de Cloof te draagen en marcheerden van daar omtrent ten een uur nadmiddag na bij ons soo genaamt Palmiet Rivier door de Hottentots genaamt Koutema of Slangen Rivier zijnde twee uuren van de Cloof geleegeen alwaar wij onse nagtrust namen.

Vrijdag 4 do. Met den dag gingen aan't marcheeren, passeerden Knoflooks Craal die omtrent 2 uuren van de Palmiet rivier geleegeen is, tot omtrent de bot rivier bij de Hottentots genaamt Gouga, omtrent 3 uuren van genoemde Knoflooks Craal geleegeen, alwaar wij de beesten wat uijtspanden om te rusten. Omtrent 3 uuren vertrokken wij van genoemde bot rivier tot aan Swarte Rivier door de Hottentots Doggha Kamma genaamt die weder omtrent 3 uuren van de bot rivier geleegeen is, alwaar wij onse nagtrust namen.

Saterdag 5 do. Met den dag gingen aan 't marcheeren tot verbij de Swarte Rivier nabij een riviertie genaamt het Sergeants rivier en bij de Hottentots Goska geleegeen tot omtrent 3 uuren van onse rustplaats. Onderwijlen dat de beesten een wijng graasden quamen 5 Hottentots van de Sousequas natie bij ons met eenig heuning om na Stellenbosch te brengen. Ik vroeg haar onder 't rooken van een pijp Tabak of sij met mij wilden gaan. Waartoe zij gewillig waaren en gaven haar sacken met heuning aan 't volk. Omtrent ten 3 uuren vertrokken wij vandaar en quamen, de Rivier Sonder ent gepasseert hebbende, bij drie Heesequas Craalen zijnde omtrent twee uuren van de Sergeants Rivier geleegeen. Ik sond haar aanstonds eenige Tabak en liet haar weeten sij souden bij mij komen om met de Compagnie te ruijlen. De Capiteinen quamen daarop met de vereering hamel bij mij; en toonden haar geneegen om met de Compagnie te handelen. Met eenen versogten sij de hulp van de Compagnie om manschap om weder in haar land daar sij door de bosjesmans waaren uijtgejaagt te mogen trekken. Sij verhaalden mij dat den oppercapitein van de Hessequas, genaamt den Oude Heer,⁵ omtrent 3 maanden verleden gestorven was en sijn oudste zoon weder als Capitein in desselfs plaats aangenomen. Wij namen daar onse nagtrust.

Sondagh 6 do. Bleeven aldaars leggen om te ruijlen en handelden van de oude Heer's zoon —

Hacqua genaamt 18 beeste.

Prins en Swarte Capⁿ : 12 do.

Decker ⁶ Capⁿ : 8 do.

Namen nogmaals onse nagtrust daar.

Maandag 7 do. Wij vertrokken met den dag van daar, langs de rivier

⁴ Now Sir Lowry's Pass.

⁵ De Oude Heer, or Goukou, to give him his Hottentot name, had been paramount chief of the Hessequas for many years, and had with skill availed himself of the division among the Sousequas. He had usually allied himself with Klaas, notably in 1697. See Theal, ii. 353.

⁶ Presumably Dacha, one of those examined in connexion with the 1702 expedition —vide *Korte Deductie*, M 2.

Sonder ent, en quamen omtrent 's namiddags ten 3 uuren aan de Ganse Craal alwaar wij onse nagtrust namen hebbende deesen dag omtrent 5 uuren ver gereijst.

Dinsdag 8 d^o. Met den dag marcheeren wij weeder langs de rivier Sonder ent, omtrent ten agt uuren quam de zoon van Capⁿ: Coopman bij ons, en seijde mij dat sijn vader door andre Hottentots had verstaan dat ik langs de rivier Sonder ent quam trekken, om voor de Compagnie te ruijlen seggende verder dat sijn vader met 4 Craalen nae gemelde rivier quam afsakken om met mij te ruijlen, en ging de soon vervolgens met ons om de Craalen aan te wijsen. nadat wij omtrent 6 uuren langs de rivier hadden getrokken, quamen wij omtrent de middag onder de Hessequas Cloof door de Hottentots Gaski Kamka genaamt alwaar wij twee klijne Craalen van Capⁿ: Coopman vonden. de Hottentots van gemelde Craalen quamen aanstonds, sonder dat ik haar tabeties ⁷ goed sond, bij mij bragten een slag hamel met haar en toonden sig geneegen om met de Compagnie te ruijlen. ik negotieerde van deselve nog den avond, te weeten van

Posie ⁸ en brandaris 6 beeste.

Hans Melger 1 d^o.

namen onse nagtrust daar.

Woensdag 9 d^o. Met den dag trokken wij de Hessequas Cloof voorbij, vonden onder weegen twee klijne Craalen na Capⁿ: Coopman toetrekken. Omtrent 3 uuren gemarcheert hebbende, quamen wij aan de Craal van Coopman die op de Drooge rivier lag door de Hottentots geheeten Os Scamma. Cort daaraan quamen genoemde twee klijne Craalen mede daar en sloegen haar hutjens op. Capⁿ: Coopman in 't velt zijnde, ons ziende, quam naar ons toe en toonde hem seer verblijt te zijn omdat de Compagnie quam ruijlen. ik vroeg hem waarom hij verblijt was. Sijn antwoord was dat hij van sijn Hottentots, die aan Stellenbosch waren geweest, verstaan had dat de vrije luidje weder souden komen ruijlen. ik antwoorde hem dat hij nu wel conde sien dat geen vrij luiden weder soude komen maar dat de Compagnie nu ruijld. hij seijde daarop dat het goed was, want soo de vrij luiden ruijld, namen se al de beesten coeijen en veersen met geweld weg, engoijde de Tabak en kraalen neer, dat zij luiden niet kosten behouden om aan te teelen en beroofden haar lieden door dusdanig ruijlen van hun aanteel vee. Capⁿ: Coopman seide mij dat hij de bullen omtrent veertien dagen geleeden eerst had laten lubben ⁹ en met den afval een groot gastmaal hadden aangeregt en vrolijk geweest 't geen bij haar lieden de gewoonte is. na haar eenige Tabak Coraalen en soopjes vereert te hebben ruijlden wij teegen den avond van haar te weeten—

van Capⁿ: Coopman ——— 14 beeste

Sousaquas broer ——— 6 —

Swarte Coopman's broer ——— 6 —

Namen onse nagtrust daar.

⁷ A diminutive of *tabberd*, the same as the English word *tabard*—meaning here roughly, a pinafore.

⁸ Presumably the Posie who gave evidence in 1702: *Korte Deductie*, M 2.

⁹ In Kolbe (German ed., p. 468) a description of this operation is given with an illustration.

Donderdag 10^o. met den dag viel er eenige motreegen en marcheeren voorbij de Hessequaas Cloof. Na omtrent 3 uren gerijst te hebben quamen aan 5 Craalen van Capⁿ: Coopman die onder aan de rivier sonder ent lagen, digte bij de breede rivier, werdende door de Hottentots genaamt Kanna Kam Kanna. Ik sond de Hottentots met vereeringh goet na haar toe en liet de Capiteins versooeken om bij mij te comen om een pijp Tabak te rooken en de soopje¹⁰ met mij te drinken. Sij quamen daar op elk met de vereering hamel bij mij en toonden haar gewillig om met de Compagnie te handelen. ik tracteerde de Capiteins wat tot dat zij vrolijk begonen te worden, ruijlden dien dag niet en namen onse nagtrust daar.

Vrijdag 11^o. in de morgenstond quamen de Capiteins van de 5 Craalen bij mij om te handelen en ruijld van haar —

Cap ⁿ Grentego	7 beeste
Witte Cap ⁿ :	7 ^o .
Cap ⁿ Mago	7 ^o .
Cap ⁿ bockel	6 ^o .
Witte booij ¹¹	5 ^o .

'S namiddags vertrokken wij van daar en quamen na 2 uren marcheerens aan de breede rivier, door de Hottentots sijna genaamt. daar quamen 5 Hessequas bossiesmans Hottentots¹² bij ons die na Coopmans Craalen wilden gaan om eenige goederen te verruijlen. Onse Hottentots ruijld voor Tabak en haar halscraalen van haar hun bogen kokers en pijlen. bragten den nagt daar over.

Saterdag 12^o. Wij vertrokken 2 uren voor de dag van daar en marcheerden door het Swarte Land. Vermits wij dien dag geen water soude ontmoeten voor dat wij bij de Craalen quamen trocken langs een droge rivier (bij de Hottentots genamt Ouka). daar wij somwijlen een klijn kuijltie met sout water vonden. reiden in 't donker een renoceros¹³ op 't lijf die door het geschreeuw der Hottentots soeties van ons afweek. Nadat wij 5 uren hadden gemareheert quamen wij omtrent ten 8 uren aan 2 klijne Craalen die doende waaren om op te breeken, en naar ons toe meenden te trekken, maar wanneer sij ons gewaar wierden ontpackten sij aanstonds weeder haar goed, setten haar huttiens op en toonden haar geneegen om met de Compagnie te ruijlen. wij spanden onse beesten uijt en lieten se daar wat grasen. de Hottentots seijden mij sij hadden haar liever niet gesien nog van haar voorouders ooit hooren seggen dat de vrijluiden boven de Compagnie baas waaren maar dat sij altijd voor deesen hadden gesien dat de Compagnie meester was geweest. 's namiddags ruijlden wij met de twee Craalen te weeten —

van Jantie Tettegoe	3 beeste
Klijn Cap ⁿ : bijgaga en ossite	10 ^o .

's naarmiddags omtrent ten 4 uren vertrokken wij van daar en passeerden over verschijde hoge ruggen. naar 2 uren rijsens quamen wij aan een

¹⁰ Probably of arrack, a spirituous liquor made from rice and sugar.

¹¹ One of those who gave evidence in 1702. See *Korte Deductie*, M 2.

¹² See above, p. 614.

¹³ Compare the more serious adventure with a lion related in Starrenburgh's Journal.

droge rivier door de Hottentots oukamma genaamt. vonden een klijne kuilj met brakwater en namen daar onse nagtrust.

Sondag 13^o. Met den dag gingen weder aan 't marcheeren. na omtrent 3 uren weg spoedens quamen aan de Soute Rivier bij de Hottentots Cisiqua genaamt, vonden daar 4 Craalen. ik sond aanstonds een Hottentot met vereering goed na haar toe, waarop zij van drie Craalen met beeste bij mij quamen. de eene craal was doende om te gastereeren. dog quamen teegen den avond met drie beesten nog bij mij. ik gaf se wat soopjens. dog omdat het laat was sond ik se weer met de beeste na haar craal om 's andren daags te komen ruijlen. ik vernam van de Hottentots datter nog vier Craalen in de duijnties lagen zijnde omtrent 3 uren van onse rustplaats geleegeen. dog om dat wij met de wagens daar niet bij kosten comen, sond ik den corporaal met den vereering daar na toe, om haar te versoecken dat se met hun vee bij mij soude komen, om met de Compagnie te ruijlen. gelijk het 's anderen daags geschiede en ruijld in de agtermiddag met een van drie kralen te weten

van Cap ⁿ : Wildschut den Sousequas soons broer	10	beeste
—	bentien hans broer en Cap ⁿ : Jager	10 —
—	Brebart en Jantie van Sosequa broer	8 —

bleeven dien nagt daar over leggen om onse nagtrust te neemen.

Maandag 14^o. Met den dag vertrokken wij van daar en voorbij die Craal die de voorigen dag niet hadde geruijlt. de Capⁿ: bij ons komende excuseerde sig met te zeggen dat hij gegastereert hadde en dat hij strax bij ons soude komen om te ruijlen. Omtrent een uur langs genoemde Sout Rivier getrocken weezende quamen bij vier Craalen. met eenen quam den Corporaal die ik den voorigen dag had uijtgesonden weer bij mij geruijld hebbende 15 beesten. ik ruijlde aldaar, te weeten van

Oude Sousequas soon jantie en waterschaap	15	beeste
Cap ⁿ : Haas en Caswaris	15	beeste
Oude heer ¹⁴	11	d ^o .
brebaart	9	d ^o .
Swarte Coopman en platneus	13	d ^o .

teegen den avond vertrokken wij weder van daar en marcheerden omtrent een uur langs gemelde rivier daar wij onse nagtrust namen — bij de Craal van de oude heers broer.

Dinsdag 15^o. Met den dag ruijlden wij met de kraal van de oude heer's broer 8 beeste. de plaats is genaamt koukema. omtrent ten 8 uren vertrokken wij van daar over een vlakten voorbij een soutpan daar moij sout in was. nadat wij 3 uren ver getrocken hadden, quamen wij aan de Kans rivier. daar wij onse nagtrust namen.

Woensdag 16^o. Met den dag gingen aan 't marcheeren en gingen langs de gemelde rivier naar boven tot aan het hooge gebergte in een vlakke bij de Hottentots [genaamt] Gronnega. daar wij onse nagtrust namen.

Donderdag 17^o. Met den dag trocken langs het hooge gebergte over verschijden ruggen en diepe holle gaten. nadat wij omtrent 4 uren gemarcheert hadden quamen aan de rivier genant Gonuka goggo. daar

¹⁴ Presumably from the Oude Heer's people, unless the report of his death was untrue.

wij onse beesten wat lieten graasen. omtrent ten 2 uuren gingen weeder aan 't marcheeren en quamen na verloop van 2 uuren aan de Steenbokken rivier, van de Hottentots genaamt Gam Dachama. daar wij onse nagtrust namen. ik sond des morgens de Corporaal over het gebergte naar de Craal die-daar aan 't strant lag en soude bij mij comen aan de bot rivier.

Vrijdag 18 d^o. Met den dag marcheerden wij weeder van daar. na omtrent 3 uuren over verschijde hooge ruggen en ligte clooven getrokken te hebben quamen aan de swarte bergs rivier van de Hottentots genaamt Hacqua. Spanen onse beeste uijt en lieten die wat graasen. gingen onderwijl aan het warm water.¹⁵ daar wij ons wasten. 't geen door de Hottentots Disporecamma werd genaamt. omtrent ten 2 uuren vertrokken wij daar van daan. nadat wij omtrent 2 uuren gemarcheert hadden quamen wij aan de Swarte Rivier op ons oude pat. daar wij onse nagtrust namen.

Saterdag 19 d^o. met den dag gingen wij weer aan 't marcheeren. na omtrent 2 uuren gerijst te hebben, quamen wij aan de bot rivier; vonden den Corporaal daar, spanden onse beesten uijt en lieten graasen. ik ruijld daar met de meede gebragte beesten van de Corporaal te weeten van

Klijne Capitein 6 beeste.

omtrent ten 2 uuren passeerden wij over de Houthoek tot op Knoflooks Craal. daar wij onse nagtrust namen.

Sondag 20^e d^o. met den dag trocken wij weeder voort over de Cloof van Hottentots Holland alwaar wij onse nagtrust namen.

Maandag 21 d^o. bleeven wij in Hottentots Holland leggen om het geruijlden vee wat te laten uijt rusten en namen daar nogmaals onse nagtrust.

Dinsdag 22 d^o. met den dag vertrokken wij uijt Hottentots Holland en marcheerden tot de kuijlen.¹⁶ daar wij onse nagtrust namen.

Woensdag 23 d^o. met den dag vertrocken wij van de kuijlen naar de Caap en quamen op het Eijland bij de Soute Rivier geleegeen genaamt kijkuijt. daar wij onse nagtrust namen.

Donderdag 24 d^o. gaf ik aan twee expresse gecomitts het geruijilde vee over die het weeder tot des Landdrosts¹⁷ verantwoording hem transporteerde, zijnde het getal van 't geruijlden vee in 't gehal

220 ossen

242 schapen —

Waar mede deese mijn commissie is ten einde geloopen.

JAN HARTOGH.

PIETER WAGENAR.

¹⁵ An early reference to the hot springs at Caledon. The land was granted in 1711 to Ferdinandus Appel, who erected huts there for would-be bathers.

¹⁶ De Kuijlen had been a Company's station for watering cattle, &c., on the road from Cape Town to Stellenbosch. In 1701 it had been granted to Captain Olaf Bergh as a farm.

¹⁷ Samuel Martini de Meurs.

Reviews of Books

L. PARETI. *Studi Siciliani e Italoti*. (Firenze: Libreria Internazionale. 1914.)

THIS large volume contains twelve essays dealing with points of Sicilian and Italian history or geography. Their subjects are: (i) Dorieus, Pentathlus, and Heracles in Western Sicily; (ii) Sicilian Chronology at the beginning of the fifth century B. C.; (iii) The Name of Messene, and the Messenians of the Peloponnese; (iv) Events preceding the Battle of Himera; (v) Theognidea; (vi) The Battle of Himera; (vii) The Tripods of the Dinomenids, and the problems connected with them; (viii) History and Topography of Gela; (ix) Cults of ancient Sicily: Selinus and Megara Hyblaea; (x) The Etymology of Rhegium in Strabo, and the Samnite element in Bruttium; (xi) Chronology of the first Greek Colonies in Sicily; (xii) The Galeotae, Megara Hyblaea, and Hybla Geleatis. The author is a scholar possessed of very great learning: he handles with complete familiarity both the ancient writers and their modern students; but his anxiety to leave none of the latter unconfuted has cumbered his pages with digressions and closely printed intricate notes, which make the book remarkably difficult to read. Many subjects, again, are discussed at great length, although the evidence is of such a kind as to render impossible the attainment of any certain conclusion. The opening pages of the work will serve admirably as an illustration of these criticisms: they combine a discussion of Herodotean chronology with a polemic against Niese's views.

After reproducing the account of the career of Dorieus given by Herodotus (v. 39-48), Signor Pareti points out that Herodotus writes as if Dorieus set out shortly after the death of King Anaxandridas and shortly before that of his son and successor, King Cleomenes, Dorieus's brother. He is referring to the well-known difficulty caused by the historian's words in v. 48:

Δωριεύς μὲν νῦν τρώπῳ τοιοῦτῳ ἐτελεύτησε· εἰ δὲ ἠνέσχετο βασιλευόμενος ὑπὸ Κλεομένους καὶ κατέμενε ἐν Σπάρτῃ, ἐβασίλευσε ἂν Λακεδαιμόνος· οὐ γὰρ τινα πολλὸν χρόνον ἤρξε ὁ Κλεομένης, ἀλλ' ἀπέθανε ἅπαις, θυγατέρα μούνην λιπών, τῇ οὐνομα ἦν Γοργώ.

The statement here made, that Cleomenes reigned but a short time, is usually regarded as an inexplicable blunder, which can be disproved out of the historian's own mouth. According to Herodotus himself, Signor Pareti says, Cleomenes died in 489 or 488, and was king in 519, when the Plataeans became allies of the Athenians. The latter date is certainly wrong so far as the Plataeans are concerned: the alliance was made at least ten years later, and much more probably twenty years later. But

Cleomenes may have been king then, since we find him on the throne when Maeandrius fled from Samos in 516; and the fact that the king requested the ephors to expel the stranger, instead of doing it himself, points clearly to his recent accession. We can thus confidently assign to Cleomenes a reign of almost thirty years, and bring Herodotus into hopeless contradiction with himself. Signor Pareti avoids this by the ingenious suggestion that Herodotus means that Cleomenes did not reign long *after the death of Dorieus*: and we have now to consider whether this view—on the generous assumption that it is possible—will set all right.

When King Anaxandridas died, Herodotus tells us (v. 42), Dorieus felt certain that he would be preferred to his elder brother because he was a much finer man. The Spartans of course adhered to custom, whereupon Dorieus, in a fit of pique, asked for and received a band of colonists, whom he planted in Libya on the banks of the Cinyps. Thence he was expelled in the third year, and returned to the Peloponnese, where a Boeotian called Antichares advised him to found Heraclea in Sicily. This project received the approval of the Delphic oracle, and Dorieus, *παραλαβὼν τὸν στόλον τὸν καὶ ἐς Λιβύην ἤγε, ἐκομίζετο παρὰ τὴν Ἰταλίην* (v. 43). Herodotus then goes on to say that he reached Italy, according to the Sybarites, just when Telys, lord of Sybaris, was preparing his ill-starred expedition against Croton, and that the Crotoniates asked him to help them; but that the latter deny this. The question is left open by Herodotus himself, but in such a way as to imply that Dorieus might have helped Croton; in other words, that his expedition belongs to the year of the destruction of Sybaris. This event happened in 511–510, according to Diodorus, xi. 90 (not, as Pareti says, x. 23): and that date fits admirably, as a consideration of the narrative will show. Herodotus now proceeds to describe the fate of Dorieus and his companions (v. 46): *ὁ ἐπέιτε ἀπίκοντο παντὶ στόλῳ ἐς τὴν Σικελίην, ἀπέθανον μάχῃ ἐσωθέντες ὑπὸ τε Φοινίκων καὶ Ἑγεσταίων*. These words seem to imply in the clearest possible way that Dorieus was killed soon after his arrival in Sicily, in 509 at latest: and as Cleomenes did not die before 489, Pareti's explanation of the crux *οὐ γὰρ τινα πολλὸν χρόνον ἤρξε ὁ Κλεομένης* fails to serve the purpose for which it was invented. He has not, indeed, overlooked this difficulty (though he does not lay it before his readers), but contents himself with the remark, 'dovremmo ammettere un periodo notevole per la permanenza di Dorieo in Sicilia' (p. 5).

Next comes the polemic against Niese. It is obvious that we might allow as many years as we like between the Libyan and Sicilian expeditions, and so bring the death of Dorieus nearer that of Cleomenes, if we disregard the chapters in which the affair of Sybaris and Croton is mentioned. Some writers accordingly do so, among them Niese, who brings the date of the Sicilian expedition down to 501–500 at earliest. There is no real proof, Niese maintains, that Dorieus took any part in the destruction of Sybaris: the arguments *pro* and *contra* of the Sybarites and Crotoniates prove nothing either way. Signor Pareti replies, in effect, that there is no smoke without fire: if Dorieus was not there at all, why the argument? Whatever the value of this answer may be, I have no doubt that Herodotus tells us he was there. Again, Niese maintains that Herodotus

himself unconsciously disproves the connexion between Dorieus and the fall of Sybaris, and shows that Sybaris had fallen before Dorieus went not merely to Sicily but even to Libya. He bases this view on Herodotus, v. 47, where we learn that Philippos of Croton, who was betrothed to the daughter of Telys of Sybaris, fled from Croton—which implies the outbreak of war between the two cities; that he went to Cyrene, *ψευσθεῖς τοῦ γάμου*—which implies the fall of Telys and Sybaris; and that he then joined Dorieus in his Libyan expedition—because Herodotus says (v. 43) that Dorieus went to Sicily at the head of the same *στόλος* as he led to Libya.

Signor Pareti begins his reply with the usual formula: 'Questi ragionamenti a me paiono molto acuti, ma poco convincenti, poggiando su parecchi presupposti indimostrati.' (1) Herodotus does not say that the exile of Philippos from Croton had anything to do with his relations with Telys. To this I reply that he does say it: no other meaning can be given to the words *ὁ ἀρμυσάμενος Τήλῳ τοῦ Συβαρίτηω θυγατέρα ἔφυγε ἐκ Κρότωνος*. (2) Niese assumes that the differences between Sybaris and Croton did not arise till just before 511; but there is nothing to prove that they were not fairly acute years before. Here again, Signor Pareti is wrong: our evidence (Diod. xii. 9) implies that the whole affair took place inside a short period, perhaps a couple of months. (3) Niese's explanation of *ψευσθεῖς τοῦ γάμου* is not the only possible one: e. g. Telys might have rejected Philippos as an exile, and therefore poor, and as the citizen of a city which he had come to dislike. Here Signor Pareti might have gone further and put aside Niese's view as patently impossible; but he is wrong himself so far as the poverty of Philippos is concerned, since Herodotus expressly says that he accompanied Dorieus with a trireme of his own, equipped and manned at his own expense. (4) There is no proof for Niese's assumption as to the time at which Philippos joined Dorieus: it lays far too much stress on the verbal truth of the remark that the latter led the same *στόλος* both to Libya and to Sicily. (5) Signor Pareti then attacks another argument brought forward by Niese for the same purpose. Niese says (in effect): 'Succession to the Spartan throne took place strictly according to primogeniture in the male line: if a king died without male issue, his eldest brother succeeded (or, if he were already dead, his eldest son): and a younger brother succeeded only if those older than he had died without male issue.' Now, Niese points out that Dorieus left a son called Euryanax, who fought at Plataea (Herod. ix. 10, 53, 55), and asks why Euryanax did not succeed Cleomenes; why Leonidas became king, and after him his son Pleistarchus; and why the latter's guardian was not Euryanax but Pausanias, son of Cleombrotus. The only explanation, Niese thinks, is that Dorieus was not the eldest, but the youngest, brother of Cleomenes, and that the tradition changed his order of birth to intensify the tragedy of his end. Signor Pareti points out in reply that Niese's argument is invalid; he has overlooked such passages as Herod. vii. 3, where we learn that a younger son born after his father's succession ousted his elder brother born before it; from which it follows that the rules of succession refer only to *porphyrogeniti* and to the sons of kings. Hence Leonidas was entitled to succeed, and not Euryanax,

whose father had never been king ; for the same reason Cleombrotus, son of King Anaxandridas, became the guardian of Pleistarchus in preference to Euryanax, and was succeeded in this office by his son Pausanias, because, although neither Pausanias nor Euryanax was the son of a king, the former's father had held the semi-regal office of regent.

All this elaborate argument and counter-argument can only be described as much ado about nothing. Herodotus tells us with the utmost plainness that Dorieus went to Libya soon after the accession of Cleomenes, returned to the Peloponnese in three years, spent some time there, and fell in Sicily soon after the destruction of Sybaris by the Crotoniates. There would be no difficulty if he had not felt impelled to round off the story by adding the 48th chapter (printed above, p. 623) with its jejune reflexion on the irony of fate, based upon a false statement as to the length of Cleomenes' reign. Why he did this I cannot say ; but certainly so poor a creature as Dorieus was not worth it.

The subjects of the various essays have already been given. It is impossible to summarize Signor Pareti's arguments with any approach to brevity ; but I may quote, for the benefit of students of Greek literature, the concluding words of the fifth essay :

A me non pare dubbio che Teognide, nativo di Megara Iblea, poetava ancora in Sicilia nei due primi decenni del V secolo, innanzi che Gelone nel 482 si impadronisse della sua patria, e più tardi in Grecia a Megara Nisea intorno al 480/79.

W. A. GOLIGHER.

English Field Systems. By H. L. GRAY, Ph.D. (Cambridge (Mass.) : Harvard University Press, 1915.)

PROFESSOR GRAY attempts to give an answer to two sets of questions : (1) What different systems of agriculture have prevailed in England before the present one ? How far were they peculiar to particular regions ? and (2) What was the origin of these systems ? Did they represent the methods of different peoples or merely a series of improvements upon some one primitive system ? Obviously, the first question admits of a more satisfactory answer than the second. Working backwards from the enclosure acts and awards and the agricultural reports of the eighteenth and early nineteenth centuries through the surveys and terriers of the Tudor and Stuart periods to the manorial extents of the middle ages, Professor Gray is able to distinguish and delimit variations of agricultural practice as far back as the thirteenth century at least, with a great degree of certainty. Of course, it is only a selection of the enormous mass of widely dispersed evidence that has been utilized, though the author's researches in unprinted material were extended from London to Norwich, Holkham, Oxford, Hereford, and other local repositories, but it is a judicious and on the whole a sufficient selection. The novelty and importance of the results secured are best realized by a comparison with the treatment of field systems in the standard books on social and agricultural development. Most of them seem to assume that the two- and three-field system was universal in England, and even those who have sounded a warning note, as Maitland

did, have given little or no positive evidence of any other system. Nor has any attempt been made hitherto to discover how far particular districts favoured the two- or the three-field system. From this unsatisfactory vagueness it is refreshing to turn to Professor Gray's map and the chapters on which it is based. He is not able, indeed, to demarcate distinct two- and three-field districts, for the two systems ran into each other. The predominance of the former on poor lands like the Cotswolds and Wiltshire Downs, and the evidence from Oxfordshire and elsewhere that, as its wastefulness in fallow was grasped, it was sometimes converted into a three-field system, suggest to him that it was the original system even where the three-field arrangement is early attested. In any case, it seems impossible to identify the one or the other with any particular tribe.

The map which serves as frontispiece shows the western boundary of the region in which these two closely-related systems were prevalent as starting from Durham, following the eastern side of the Pennine ridge to North Staffordshire, then bending westwards to include Shropshire and Herefordshire, and, finally, running from the Bristol to the English Channel along the western borders of Somerset and Dorset. The eastern boundary curves inland round the Fens, afterwards coincides with the western border of Suffolk, and then takes a direct south-western direction to the great bend of the Thames south of Oxford, thence crossing the north-eastern corner of Hampshire and following the Weald to its eastern termination. The area of the two- and three-field system is therefore defined with sufficient accuracy as the Midlands. For some counties, e.g. Yorkshire, the evidence adduced is much less complete than for others, but Derbyshire seems to be the only one included for which none is given. Further research will be needed before the absence of any other system in some parts of the Midland area can be stated with certainty. Indeed Professor Gray seems to admit the possibility that he has included too much of western Yorkshire within it.

Roughly speaking, the English counties excluded from this area are Cumberland and Northumberland in the north; Lancashire, Cheshire, Devon, and Cornwall in the west; Kent, Surrey, Middlesex, Essex, and parts of Berkshire and Hertfordshire in the south-east; and Norfolk and Suffolk in the east.

The agricultural arrangements of the two northern counties show affinities to the Scottish system of Infield and Outfield; the former continuously cropped without a fallow by the regular use of manure, and the latter only cropped in part and for a few years in succession, this part being then left fallow (or faugh) for a similar period and another portion sown. This is of course very different to the 'Midland' system, in which each field lay fallow every second or third year. Professor Gray's contention that the field system of Lancashire and Cheshire should be affiliated to the Scottish rather than the Midland arrangement is certainly supported by the use of Fallowfield or Fawfield as a place-name which occurs in South Lancashire as well as in the northern counties. It seems impossible that the constantly shifting arable of a two- or three-field system should give a name to a village, but an Outfield the greater part of which was always fallow might do so.

That the early agriculture of Lancashire and Cheshire differed from that of the Midlands may be to a certain extent unexpected. In Devon and Cornwall one is more prepared to find exceptions in this as in other matters. The most interesting deviations from the Midland type which are revealed by Professor Gray's researches are, however, the eastern systems, especially those of Kent and East Anglia. Here, as might be expected, we get superior methods of agriculture at a comparatively early date. A more intensive husbandry was made possible by a less complete dispersion of strips and more scientific manuring. Already in the fourteenth century much land in Kent was cultivated without fallowing, and East Anglia had an elaborate system of folding its flocks which made far better use of their manure than the fallow field of the Midlands. Unlike the virgate, the *iugum* of Kent and probably the *eriung* of East Anglia were originally compact holdings,¹ and their fission was the result in both cases of partible transmission, the existence of which in Norfolk and Suffolk had not hitherto been suspected. But if the two systems had a common origin, as Professor Gray suggests, they had each developed marked peculiarities of their own. The third area in this quarter which deviates from the Midland type, consisting of the counties of the Lower Thames basin, seems to have been a debatable ground between the three systems which surrounded it. The mention, for instance, of the *iugum* at Ewell in the very centre of Surrey is enough to show that she must once have had the same arrangements as her eastern neighbour. The analysis of these deviations from the two- and three-field system and the evidence of their comparative susceptibility to early enclosure sufficiently account for the fact that the great mass of the enclosure acts deal with the fields of Midland villages.

From what has been said it is evident that the student of the history of English agriculture will owe a great debt to Professor Gray, even if his answer to the second question posed at the beginning of this notice fails to secure general assent. Questions of origin are notoriously difficult. The scantiness of evidence before the twelfth century takes one at once into the realm of conjecture. Professor Gray does not attempt to conceal this from the reader, though in mingling his answers to the two questions he may seem to suggest more certainty than is attainable. In tracing all the western deviations from the two- and three-field system to a Celtic origin, he will probably be criticized for not making sufficient allowance for the influence of divergent physical conditions upon methods of agriculture and for taking his standard of Celtic husbandry from those districts of Scotland, Ireland, and Wales in which English settlement may have confused the issue. The affiliation of the Kentish and East Anglian systems to Roman or Romano-British agricultural arrangements will also no doubt be contested. But the advance in our knowledge of English agriculture which the book makes justified a reconsideration of the problem of origins, and the solution now suggested, be it right or wrong, provides a working theory for further discussion and research.

JAMES TAIT.

¹ The naming of these tenements after former holders even when split up raises difficult questions of date. Names like *Wlstan* and *Orgar* are no proof of pre-Norman date (p. 298). They abound in the thirteenth-century *Black Book of St. Augustine's*.

An Introduction to the Economic History of England. By E. LIPSON. I. The Middle Ages. (London: Black, 1915.)

No small part of the merit of Mr. Lipson's book lies in the boldness of its conception. For the last ten years before the war, monographs on aspects of economic history had been yearly increasing in quantity and on the whole improving in quality, but despite the fact that manuals and text-books can now be counted by the dozen, there had been no attempt made to survey the whole field independently of the classic volumes of Dr. Cunningham. Mr. Lipson would perhaps not claim the same weight of learning as Dr. Cunningham; but his work, so far as completed, is on much the same scale and is equally based on the original sources, whilst his method is essentially different. He has solved the fundamental problem of the economic historian—that of chronology—in the simplest if not the most satisfactory way. The first four chapters give a continuous account of rural economy down to the sixteenth century; the next four, which cover different aspects of urban economy, though preserving a rough chronological sequence, overlap considerably; whilst the three last chapters, on the woollen industry, foreign trade, and revenue and expenditure, each in turn traverse the centuries between the Conquest and the Reformation. There are obvious advantages in this simplicity of method, and Mr. Lipson's work has profited by them. It is naturally most successful where, as in his account of the origins and development of the manorial economy, the ground has been well covered by eminent specialists, so that a balanced and critical exposition of their ideas supplies form and continuity to the history. In the absence of a similarly clear lead, the task of dealing with the urban economy of the middle ages was a much more difficult one, but the four chapters on this subject marshal a great body of facts from recently published records with much precision and critical acumen, and achieve as a whole a genuine approach to unity of interpretation. The weak point lies perhaps in the inadequate impression of development.

A certain chronological sequence is involved in the order of the subjects—'growth of towns', 'fairs and markets', 'gild merchant', 'craft gilds'—but within each chapter the sequence is almost entirely one of ideas, and the exposition of each subordinate aspect of the subject moves rapidly backwards and forwards between the sixteenth century and the twelfth. The chapter on the craft gilds works backward from the sixteenth century on the assumption that the institution of apprenticeship as defined at that late period is 'the most typical and instructive feature of the gild system'. This commencement might hinder the reader from fully appreciating the importance of the facts afterwards recorded by Mr. Lipson, that the system of apprenticeship was only very gradually developed, and that it became universal during the period of decay when the gilds deliberately sought to close up the avenues to mastership. In any subsequent edition a little rearrangement in structure would add greatly to the value of this very full and otherwise excellent chapter.

After so much independent handling of new material in the earlier sections it is rather disappointing to find such an unquestioning acceptance of the traditional views about the policy of Edward III. Edward, we are told, 'made a strenuous attempt to transform England from a land of

agricultural labourers to a land of industrial artisans'. The evidence for this is that in 1337 (when preparing for the French war) he procured a statute prohibiting the exportation of wool and the importation of cloth and inviting foreign clothworkers to settle in the country.

These restrictions . . . must be regarded, not as the product of political exigencies, but as part of a comprehensive design to establish the English cloth trade on a firm footing. They were not, however, permanently enforced. Edward's financial straits cut athwart the adoption of a consistent policy: and in the very next year he granted a licence to the merchants of Louvain to export wool and import cloth. In 1347 the export of wool was freely allowed.

The facts, as related in chronological order by Stubbs, are fatal to this view of Edward's statesmanship. The king's financial straits preceded, and did not supervene upon, his supposed declaration of industrial policy. As his plans for the French war in 1336 were entirely based upon an export tax on wool, the prohibitions of 1337 cannot have been 'part of a comprehensive design', and must have been 'the product of political exigencies'. They led immediately, as they had been intended to lead, to an arrangement by which the king's Flemish allies received a monopoly of the English wool supply. Similar considerations of fact may be urged against the generally adopted view of Edward's commercial statesmanship, which Mr. Lipson evidently shares.

So far as the motives of statesmen may be read in their actions, Edward III would seem to have adopted a definite commercial policy, one of plenty and the open door as contrasted with mercantilist considerations of power.

But the 'free trade' statutes of 1335 and 1351, which are the actions referred to, were parliamentary protests against royal devices of monopoly and restriction.

It is, however, unfair to expect a revision of all the accepted interpretations of history in a work planned on this scale, and more reasonable to be grateful for such revision when it has been accomplished, as, for instance, in Mr. Lipson's account of the Merchant Adventurers, and of their conflict with the Hanseatic League.

The victory of the Merchant Adventurers is often interpreted in the light of a national triumph. But we must avoid the error of confusing the interests of a privileged mercantile body with those of the nation at large.

If the critical discrimination shown in this very just comment is applied to the study of that middle period of English history which is presumably to be the subject of Mr. Lipson's second volume, we may anticipate excellent results. But if these results are to be achieved, more attention must be devoted to non-official records and a fuller account given of the development of industry and commerce outside the bounds of state or municipal regulations or monopoly. The omission to deal adequately with the important subject of the foreign exchanges and with the rise of international credit should also be repaired in the second volume.

GEORGE UNWIN.

The Cambridge Songs; a Goliard's Song Book of the Eleventh Century.

Edited by KARL BREUL, Litt.D. (Cambridge: University Press, 1915.)

THERE are many Cambridge Songs; this is an edition of the old German-Latin collection familiarly known to German philologists as the

'Cambridger Lieder', forming part of a large volume (Gg 5. 35) in the University Library. The historical and literary value of the document can scarcely be exaggerated; it reveals a certain part of the dark ages as no other authority does. If it had perished, some very interesting fashions of medieval literature would have been lost to view; though, as it happens, a few of the most interesting of the Cambridge songs are preserved in one other manuscript. The songs are here published in a form for which students will be grateful; photographs with transcription, critical text, and notes.

The manuscript once belonged to St. Augustine's at Canterbury (from the twelfth century onward), and the songs were copied by an Englishman.¹ It is possible that they were copied in Canterbury from an older book written in Germany, which may have been lost in the fire of 1168. Dr. Breul thinks that they are taken from a book which formed the stock-in-trade of a wandering scholar minstrel—the 'goliard' of his title-page. This is his contribution to the literary history of the poems. After repeating 'the *répertoire* of an early goliard', 'this song book of a *clericus vagabundus*', Dr. Breul comes at last to a foot-note (p. 38): 'it cannot be proved beyond doubt, but it seems very probable that the collection really was a song book and a commonplace book compiled by a *clericus vagabundus*.' If it really was otherwise, then the editor has reiterated his 'goliard' too often. It is not easy to show that he is wrong. There were wandering clerks in many countries, fond of loose and humorous verse, and they are not limited to the times when the goliardic poetry flourished best, the age of the Hohenstaufen. Dr. Breul may be right in his surmise. But his method is rather too easy. He has not considered other possibilities; he has not pointed out anything definite in the songs to prove his goliard. There were other conditions in which Latin verse of this sort might flourish. Why not in the steadfast monastery, as well as on the pilgrim's way? One of the best of the light things in the volume is addressed to a class in school, apparently: *Modus florum* has a preface

'Mendosam quam cantilenam ago puerulis commentatam dabo', &c.

If this extant copy was made, as it certainly was preserved, in a monastery, why may not the original have had the same kind of source, and been compiled for sedentary scholars of liberal tastes? Why are the authors, patrons, and maintainers of those old literary games to be driven wandering? The nature of books, reading, recitation, and minstrelsy needs more inquiry than Dr. Breul has bestowed on it in the present case. The Cambridge Songs need to be compared with other miscellanies; the more amusing poems must not be allowed to disturb the proportions. How large a part of the book is in any, the widest, sense goliardic? Is every comic Latin song to have the goliardic title? Dr. Breul has not remarked that one goliardic quality is wanting in the Cambridge Songs. They have not the self-conscious pose of the true goliard, and their comic verse, even when it is in the form of sequences, is not burlesque. Goliard and his scholars are reckless revellers, with a good conceit of themselves over against the respectable orders. The comic poetry in the Cambridge book

¹ See for details R. Priebsch, *Deutsche Handschriften in England*, 1896, i. 22 seq.

is of quite a different sort. The two short comic stories are the best examples—the *Snow Child* and the *Swabian Liar*. Each is a thoroughly good story, and the authors have pleased themselves turning the subjects (which were probably well-known ‘merry tales’) into Latin verse such as might claim some admiration for its skill. But apart from the original comic plot and the style of the verse there is nothing in them. They show a pleasant wit. They are literary devices, and one of them is meant for school. They have little in common with the riotous verse of the goliards.

What is the purport of the poem *de Heinrico*? This is the historical problem to which all students of the Cambridge Songs will turn as soon as they open this book. Who is the Otto and who is the Heinrich named in the poem? If the old reading *bruother* is kept, then Otto is Otto I and Heinrich is his brother; that can hardly be doubted, and historians must get what satisfaction they can out of the piece. But the word is half obliterated, and Dr. Breul some time ago pointed out that the poor remains of it looked like *bri*; Dr. Priebisch, with a reagent, was able to make out *bringt* (= *bringit*); and there is no more need to find a Henry brother of Otto. Dr. Breul still keeps Otto I and Henry his brother as the persons of the poem, but thinks it was written at a later date with allusion to the relations between Otto III and Henry II of Bavaria. Priebisch’s interpretation (*op. cit.*), which takes the poem as written of Otto III and Henry II, has this advantage that it interprets the difficult words *ambo vos aequivoci* addressed by Otto to Henry: ‘Welcome, Henry, welcome the two of you!’ This is taken to mean Henry II of Bavaria and Henry his son (afterwards the Emperor Henry II), and it seems a plausible interpretation of a passage which the author must have known to be allusive and difficult. ‘Welcome Henry, welcome namesakes both’ would not have been written by any poet, when so far he has mentioned only one Henry, unless there had been a good chance for his audience to guess who the other Heinrich might be. Most people, guessing, would ask if Heinrich had a son of the same name who might have accompanied him on his visit to the Emperor Otto. A strange and unrelated Heinrich (such as has been proposed by some commentators) would be really too violent a breach of the ordinary rules of composition, seeing that no other Heinrich has been alluded to before the emperor comes out with his *aequivoci*. As it is, the author has gone quite far enough.

W. P. KER.

The Domesday Survey of Cheshire. Edited with introduction, translation, and notes by JAMES TAIT, M.A. (Printed for the Chetham Society, 1916.)

THE Domesday Survey of Cheshire is particularly interesting for many reasons. Cheshire is a ‘palatine’ county; it is a county where Welsh, and perhaps Danish, influences blend with English customs; and the Survey gives a remarkably full account of the customs of Chester and of the various Wiches. Like other counties, it provides its own special difficulties with regard to assessment and other statistical problems. All these and other matters are discussed by Professor Tait in his exhaustive and

illuminating introduction, and in addition he furnishes the text with elaborate notes. The first matter discussed is the assessment. Cheshire, omitting the district between the Ribble and the Mersey, which is not included in this volume, but including the hidated hundred of Atiscros, is assessed at $541\frac{1}{2}$ hides 15 bovates and 16 acres, though $7\frac{3}{8}$ hides no longer pay geld. This assessment raises several problems. It is not easy to reconcile this figure with the 1,200 hides of the County Hidage, but it is to be noticed that the ploughteams recorded are just over 500 and the ploughlands just over 1,000. It is, therefore, suggested that at some unrecorded date the county had been relieved of half its original assessment. Mr. Tait points out that the most likely date for such a reduction would be after the fearful harrying of 1070, when 200 manors, rated at 300 hides, were 'waste', while others had fallen in value. The objection is that in the one case where the assessment for 1066 is given, viz. Chester itself, there seems to be no change. A further suggestion is that the hundreds of Dudestan and Wilaveston were excepted from this reduction. The one substantial reason for this exception is that their assessments alone of the twelve hundreds were greater than 50 hides, being respectively $120\frac{1}{2}$ hides and 97 and a fraction. It may be pointed out, however, that the discrepancy between the hidage and the ploughlands is as marked as in other hundreds, more so indeed than in the hundreds of Exestan and Atiscros. It seems difficult to imagine what uniform process could have reduced Atiscros to 20 hides (only $19\frac{1}{2}$ are enumerated), Exestan to 20 hides, Bochelau to nearly 20 hides, and Tunendone to $27\frac{3}{8}$ from 100 hides each. Professor Tait comes to a somewhat similar conclusion, when he says on a later page (18), 'it seems impossible to suppose that the twelve hundreds could ever have been subjected to an equal rating'.

Another problem connected with assessment is the appearance in Cheshire of geldable carucates and bovates. There are three geldable carucates at Handbridge, and these another passage in the account of Chester enables us to equate with one hide; a geldable carucate would then be 40 acres. That seems established unless we are to suppose that the insertion of 'geldantem' in three entries is a clerical error. What, then, are we to make of the bovate? If here, as in other counties, it were one-eighth of the carucate, it would be 5 acres; but this would not produce round figures in any of the five cases where bovates occur. In three, if not four, cases the equation of a bovate to a twelfth of a hide, i.e. 10 acres, does give round figures, but it is too unusual to be likely. Professor Tait concludes, 'although the evidence does not suffice to establish the exact relation of the gelding bovate to the hide, we may cling to the conviction that it is a real fraction of the geldable unit'. Would it not be better to take it for the present as one-eighth of a hide, even if it does result in awkward fractions for particular manors? It may be noted that on this computation the 15 bovates and 16 acres for the whole county are only 1 acre in excess of 2 hides, unless indeed we have to do with peculiar acres also; this is a possibility which Mr. Tait does not mention.

The average assessment of Cheshire manors is less than $1\frac{1}{2}$ hides; some even are rated at half a virgate. Four only are rated at 10 hides or over viz. Halton (10), Weaverham (13), Gresford (13), and Eastham (22). No

doubt several 5-hide blocks can be made up, e.g. Ruloe hundred forms two blocks of 10 hides and one of 20 hides, if the assumption that 'Aldredelie' and 'Done' are in that hundred is justified. Manors assessed at 1 hide predominate, but Mr. Tait makes the interesting suggestion that in some cases the parish, and not the vill, was the unit for the sub-partitioned allotment of geld. He gives three instances where a parish seems to be assessed at 10 hides, viz. Neston in Wilaveston hundred, Fardon in Dudestan hundred, and Wybunbury in Warmundestrou hundred; one 5-hide parish, Audlem in Warmundestrou hundred; and one 20-hide parish, Prestbury in Hamestan hundred. He does not, however, tell us what evidence there is for the continuity of these parish boundaries, but points out that in Ruloe hundred, with its three groups of manors, parish boundaries are disregarded. It is an interesting suggestion, though further inquiry and evidence seem to be needed. It is possible that some of the peculiarities of the Cheshire assessments were due to pastoral, and not to arable conditions; this Mr. Tait does not seem to have considered.

The unnamed rural population totalled 1,701, villeins being 627 (? 621), bordars 512 (? 520), servi 160 (? 161), and bovarii 166 (? 163). There were 5 ancillae enumerated, not 2 as the editor says; they are to be found at Bridge Trafford, Christleton, and Wareford. Mr. Round's identification of servi and bovarii is rejected, because both classes are enumerated at Weaverham and Aston by Budworth; and in successive entries relating to Eastham we get 'ii carucae et iiiiii servi' and 'iiii carucae et viiii bovarii'; further, ancillae are on several occasions grouped with servi, but never with bovarii. Mr. Tait regards the bovarii as similar to those mentioned in the Evesham Cartulary with half a virgate of land, who are in this way rising from the class of theows. The distribution of servi and bovarii does not show that they were more numerous on the Welsh border, and indeed their percentage to the population, 17, is not high for the western counties. The villein's ploughing outfit was small, or even none at all; and it would appear that he was in a worse economic condition than his fellows elsewhere; but, again, this may be due to the omission of pastoral details in the Survey, as we may guess was the case with the villein at Hosely who had no oxen, but rendered 8*d.* to the canons of St. Werburgh, to whom the manor was worth 3*s.* The radmans number 132, one-fourth of the whole number enumerated in Domesday, but we learn nothing of their services. Their fellows, the sergeants, were only two in hidated Cheshire, though there is a third attached to Rhuddlan. There are 36 (? 37) Francigenae and 10 homines, one of whom is at Edelaue, which is waste, but *modo arat ibi quidam homo et reddit ii solidos*. The three hospites have no land and may be classed with the Welsh alltudion, who acquired rights in land in the fourth generation. Of manorial servants we have 6 reeves mentioned, all in Dudestan hundred, 4 smiths, and 1 miller.

The milites number 18, and they are distributed in two districts, 11 in Robert Fitz-Hugh's manor of Malpas and the adjoining Maelor Saesneg along the Dee, and 6 in William Fitz-Nigel's manor of Halton to guard the Mersey. Yet these milites enjoyed but a lowly position; the 6 at Halton hold only 6½ hides between them, 5 at Malpas have 5½ hides, 1 at Burware-

stone has a plough there, and another has half a hide, which renders 12s. to him. Obviously such an economic basis is far from the five hides or even from the smaller Mortain fee with its lightly-armed warrior. These Cheshire *milites* are more on a par with the Derbyshire king's thegns.

The estates in Cheshire, as the map well shows, were grouped more or less in compact blocks. Earl Hugh had two such blocks, one central, including nearly the whole of Roelau hundred and adjoining manors, the other to the east in Hamestan hundred. Robert Fitz-Hugh was perhaps the most important of the tenants, with estates, rated at 75 hides, situated to the east of the Dee in the border hundred of Dudestan and in the adjoining portion of Risedon. Robert of Rhuddlan is another important tenant with some 20 hides in Atiscros and West Wirral, but Orderic's 'bellicosus marchio' looms larger elsewhere as the holder of half Rhuddlan and of Rhos and Rhuvoniog. William Malbedeng or Malbank had after Fitz-Hugh the largest number of manors, rated at over 60 hides, and situated mainly in the hundred of Warmundestrou. William Fitz-Nigel's 30 manors, rated at 45 hides, were grouped along the Mersey in Tunendone and Bochelau hundreds, though he had a few near Chester, where he acted as the earl's constable. This grouping marked a great change from the condition of things prior to the Conquest. Earl Edwin's fief of 20 manors, rated at 107 hides, had been broken up, but the ordinary process was to group in blocks the estates of previous owners, who were substantial thegns or *liberi homines*, only one of whom, Morfar, with one-third of a hide at Somerford *non poterat recedere a domino suo*. One thegn, Edwin, remains as undertenant in six of his seven manors, with Drogo, a Norman, as joint undertenant in some cases. Another, Edward, appears as undertenant in three of his four manors, and four more held single manors as undertenants, while three more held directly of the earl parts of their family estates. Only one has been traced as the ancestor of later families, viz. Gamel, from whom the Mottrams of Mottram claim descent.

Mr. Tait doubts whether the famous twelve *iudices* of Chester can be connected with the lawmen of Lincoln, Stamford, and Cambridge, and he questions much more strongly Professor Vinogradoff's contention that Chester was among the districts 'where Danish settlements were especially strong'; yet he admits the Scandinavian names of some of the moneyers and of more than thirty pre-Conquest lords of manors. He draws attention to the Norse settlement in the Wirral and to the Danish reckoning by *ores* of 16d., which are mentioned twice and appear, as he notices, time after time as the basis of 'valets'. Further, he says (p. 13): 'There seems no obvious escape from the conclusion that we have in them (bovates), as in those of Northamptonshire, evidence of Scandinavian influence upon the subdivision of the fiscal hide.' With more justice Mr. Tait questions the ordinary translation of *salina* as 'saltpan', and by a comparison of two passages, one in the description of William Malbank's manor at Acton, and the other in the description of Nantwich, he establishes the identification of *salina* with *domus ad sal faciendum*. More questionable is the opinion (p. 77) that the excess of ploughteams is due not to 'overstocking', but to scribal errors; Professor Vinogradoff in his *English Society in the Eleventh Century* has given adequate explanations of this

peculiarity. There is much more in this interesting and suggestive introduction worthy of notice, did but space allow.

Printers' errors occur: on p. 162 ('Chelmundestone') for 'iiii villani' read 'iii villani'; p. 164 ('Bero') for 'ii molini' read 'ii molina'; for 'molinus' read 'molinum' on p. 182 ('Ferentone'), p. 188 ('Eitune'), and p. 234 ('Roelent'). On p. 198 for 'de Tatune comite' read 'de comite Tatune'. On p. 98 ('Clistune') the manuscript gives fairly clearly 'cum i' where the editor reads 'cum . . .', and vice versa on p. 122 ('Hantone') the reading 'et dimidia' is conjectural, as the manuscript is illegible. On p. 216 ('Gretford') insert 'inter omnes' after 'lxx solidos', and on p. 251 add '183' to the references to Farndon. The last reference to Eastham on the same page should be '111'. *Iudices* does not occur in the Index. At 'Tidulstane', p. 128, is it necessary to do more than translate *Ibi modicae silvae*, 'There are coppices there'? And should not *Ipse comes* be translated consistently? On p. 113 it is translated 'The same earl' and 'The earl himself'. The references in the introduction to folios of the Record Edition and not to the pages of the text are exceptionally inconvenient.

F. MORGAN.

Robert of Chester's Latin Translation of the Algebra of Al-Khowarizmi.

With an Introduction, Notes, and an English Version by L. C. KARPINSKI. (New York: Macmillan, 1915.)

THIS memoir, one of a series on questions connected with the history of science, brought out under the auspices of the University of Michigan, contains the text of a Latin translation by Robert of Chester of Al-Khowarizmi's epoch-making treatise on algebra. To this are added an English version of it and a commentary, both by Mr. Karpinski of the University of Michigan.

Al-Khowarizmi, otherwise known as Mohammed ibn Musa, is the best-known exponent of Arab science, and his works written in the first half of the ninth century profoundly affected the development of mathematics in Europe not less than in the Mohammedan world. His treatise on algebra is specially noticeable, for not only was the early treatment of that subject in the middle ages founded on it but largely through it and his arithmetic the Arab numerals were introduced into the west. With the interesting question of how far its author was indebted to previous Hindoo or Greek writers we are not here concerned, nor does the translation by Robert of Chester assist us in discussing this problem.

The Arab text of Al-Khowarizmi's work, with an English translation, was published by F. Rosen in London in 1831. To-day this is the standard authority, but most medieval scholars knew of it through two Latin translations which had wide currency in Europe. These translations were made in the twelfth century in Spain, where the Moorish schools were accessible to European students who there became acquainted with various Greek and Arabic mathematical works and disseminated a knowledge of them in the West. Both these Latin versions have survived. One of them is attributed with some plausibility to Gerard of Cremona: of this there are two manuscripts preserved at Paris, and the text was published by Libri in 1838. The other was by Robert of Chester, the earliest translator of the Koran: of this (besides a couple of fragments) there are

manuscripts extant at Dresden, Vienna, and Columbia University, and it is the last of these that is here produced. There is also in Mr. Plimpton's famous library in New York another Latin translation, dated 1456, of the algebra: it has been suggested that this is a copy made by Regiomontanus of, or founded on, the translation made by Robert of Chester, but the manuscript has not yet been examined with sufficient care to justify an opinion on this. There was also current an Italian translation of the treatise; of this there is a copy in the Plimpton library. The story of the discovery of this Columbian manuscript is a curious one. It was known to students of the history of mathematics that Scheybl, professor of mathematics at Tübingen in the sixteenth century, had prepared for the press a copy of Robert's translation, and that for some reason this had not been published. Its survival was unsuspected. At the beginning of this century Professor D. E. Smith, of Columbia, while engaged in buying works for the library of his university, saw advertised in a German second-hand catalogue of books an anonymous sixteenth-century manuscript on mathematics. He bought it on speculation for a trifle, and was rewarded by finding it was Scheybl's original manuscript, which is here printed.

Mr. Karpinski has placed by the side of the Latin text a free rendering into English which, as far as the writer of this review has tested, not only gives the meaning correctly, but is so devoid of technicalities as to be intelligible to any reader. He has also by means of foot-notes shown how this manuscript differs from the Rosen edition of the original work and from the Dresden and Vienna manuscripts. All this is excellently done, and, with Libri's edition of Gerard's translation, will long be studied by those who wish to learn what was actually read on the subject in medieval Europe. Neither of the two Latin translations covers the whole of Al-Khowarizmi's algebra: of the two, that attributed to Gerard of Cremona is rather later in date and is fuller. In preparing Robert's manuscript for the press Scheybl seems to have edited it freely, and amended details. He also added in an appendix some of the omitted problems, and since all those given by him appear in Gerard's version we may fairly conjecture that it was from this that he took them. Except to specialists the differences between the two Latin translations are not important.

Mr. Karpinski in his introduction mentions at some length various mathematical discoveries previous to the production of Al-Khowarizmi's algebra. We think that much of this matter might have been omitted without any loss to the description of the work of Robert of Chester, for it has little connexion with it and the facts are familiar to all to whom this memoir will appeal. The description of the extant authorities for Al-Khowarizmi's algebra is the most important part of the introduction, though its value would have been increased by an index or cross references.

W. W. ROUSE BALL.

The Sarum Missal. Edited from three early manuscripts by J. WICKHAM LEGG, Hon. D.Litt. (Oxford: Clarendon Press, 1916.)

THE SARUM MISSAL was printed at Burntisland in 1861 under the editorship of Rev. G. H. Forbes, from the printed edition of 1526, collated with

various earlier and later printed editions. Here we have a new and most careful edition of the book from the earliest known surviving manuscript, viz. Crawford MS. Latin 24, now in the John Rylands Library at Manchester. The date of this manuscript cannot be exactly ascertained, but 1264 is given as an approximate date for various liturgical reasons which are set forth in the preface (pp. vi, vii) and need not be repeated here. Throughout, Dr. Legg has collated two other early manuscript Sarum Missals, one in the library of the Arsenal at Paris, no. 135, of the second half of the thirteenth century, and one in the library of the University of Bologna, MS. 2565, which is assigned to the first quarter of the fourteenth century. References are also made to two other Sarum MSS., one a missal, the other a processional, and both of the fourteenth century.

The result is a most useful, and for liturgical students an indispensable volume for tracing the history and growth of the Sarum rite. Dr. Legg wisely confines himself to his task, and does not attempt to describe the growth of the Sarum Missal, or to enter, at any length, upon obscure questions such as the source from which certain rare Sarum collects and other prayers are derived; nor does he discuss the Norman or other provenance of ritual peculiarities. The great difference between the earlier manuscripts and later printed editions lies in the alteration and elaboration of ritual directions in the form of rubrics. The presence of full rubrics in the later missals will still make the Burntisland edition a necessary volume for students, and probably a more acceptable volume to the average ritualist of modern days. Directions for the sequence of ecclesiastical colours, as well as other minutiae, are to be found in the Burntisland and not in the Crawford volume. As a rule rubrics expand and multiply as time goes on: occasionally they shrink, as in the following interesting example: In the thirteenth century MS. Sarum Missal the rubric before the word *fregit* in the Prayer of Consecration was this:

Hic faciat signum fractionis dicendo.

This has shrunk in the printed missal into:

Hic tangat hostiam dicens.

In Roman missals such a direction is entirely wanting. It is curious that in his exhaustive work on *The English Rite*, Dr. Brightman does not refer to the Sarum rubric as possibly the origin of the corresponding direction in the Book of Common Prayer. Many such points of interest might be called attention to, but they are of a purely liturgical character, and the discussion of them is hardly appropriate in the pages of this Review.

F. E. WARREN.

The Register of the St. Augustine's Abbey, Canterbury, commonly called the Black Book Part I. (British Academy Records of the Social and Economic History of England and Wales, vol. ii.) Edited by G. J. TURNER and H. E. SALTER. (London: Milford, 1915.)

THE Black Book of St. Augustine's, being in the British Museum (Cotton MS., Faustina A. 1), has been more accessible than some manuscripts of its type, and its evidence as to the agrarian peculiarities of Kent has been used by Professor Vinogradoff and others. It is nevertheless a great

boon conferred by the British Academy to have the rental and custumal of the abbey estates, which is its most important part, in print. Such a mass of details in no very clear arrangement and, while in general of thirteenth-century date, interspersed with later matter, formed a most intractable source in manuscript and is no easy one when the editors and the Oxford Press have done their best with it. The headings of the manuscript are made as prominent as possible, but it is a pity that no room was found for the table of contents which is really necessary to guide the student through the labyrinth. The transcription has been executed with the most minute care and, as far as can be judged without collation, with almost perfect accuracy. We have noticed only two passages in which an error may be suspected. On p. 115 the services of the heirs of Henry de Sturege are stated to include the carriage of 'iii caretatas feni' to Langport. As the other tenants of eighth parts of the same sulung were bound only to carry 'ii caretatas' the larger figure, if the reading of the manuscript, ought perhaps to have been confirmed. In another passage (p. 144) the total given for the ships provided by the Cinque Ports does not agree with the particulars, and no explanation is offered. The first impression that this record will make on a reader accustomed to the terminology of similar documents in other parts of England, but not conversant with those of Kent, is bound to be one of bewilderment. Almost every page presents some new and strange term, *sulunga*, *iugum*, *yoclete sulmanni*, *avertrull drofdenne et donger*, *daywork* (as an area), and many others. Even those who have learnt from Professor Vinogradoff that the Kentish sulung contained 200 acres (though the sulung of Fairport (pp. 115-18) seems to have been one of 300 acres) will still probably be surprised to find that the virgate of the Black Book is not the unit of thirty acres familiar to him, but a mere quarter of an acre. There are agrarian and other feudal services, but they have a special character. No mention of week-work will be found, and but few of villeins; a tenement is frequently held not by a single tenant but by a group of kindred, 'the heirs of such and such an one'. In many ways Kent was, and probably always had been, different from the rest of England, but it may be doubted whether any record hitherto published has so strikingly emphasized its peculiarities as the Black Book does.

These peculiarities are so much in need of synthesis and explanation to make the document intelligible that it must be regretted that the editors have postponed any comment upon them to a future volume. In his introduction to this Mr. Turner confines himself to the early history of the estates of the abbey, and is thereby drawn into an elaborate discussion of the authenticity of its pre-Norman charters. His defence of the genuineness of a series of documents most of which have hitherto been stigmatized as spurious deserves consideration. In the main it rests on the ground that casual anachronisms and inaccuracies are not good evidence of forgery unless a motive can be clearly established. It may be admitted that the supposition of forgery has been pushed too far in regard to charters, and that a false date or an impossible witness is not necessarily proof that the body of a document which has been copied and recopied is a monastic invention. But the admission is apt to leave

us in a painful state of uncertainty as to what is and is not genuine in such an incriminated charter, if no subtler criteria of authenticity or the reverse are provided. Mr. Turner has not given as much guidance in this direction as could be desired. He might, for instance, have discussed the bearing upon the claims of the earliest charters of St. Augustine's of the fact that in Kentish charters of that period whose authenticity is undisputed the grantee is usually addressed in the second person. The use of the year of the incarnation in the dating clauses of the seventh-century charters of the abbey he would probably attribute to later interpolation, but some reference to this point might have been expected. It would not be an unfair criticism of the editor to say that he is so absorbed in establishing his case that he runs some risk of not hearing the other side. In his anxiety, indeed, to prove absence of motive for forgery, he comes very near to denying that an Anglo-Saxon charter of itself transferred property in land. The statement that 'throughout the Middle Ages, the right to possession of land depended primarily upon seisin' (p. xix) is dangerously wide.

JAMES TAIT.

Ghenkō; the Mongol Invasion of Japan. By NAKADA YAMADA. (London: Smith, Elder & Co., 1916.)

MOST readers of Japanese history have been struck by the analogy between the Spanish Armada, directed against England in the sixteenth century, and the Mongol invasion of Japan which took place three centuries earlier. In each case an island kingdom was attacked by a formidable enemy from the mainland, who made the attack when at the zenith of his power. In each the invader had an additional base of operations close at hand, the Spaniards in the Netherlands, the Mongols in Korea. In each case, too, the martial spirit of the nation attacked rose to the occasion, and the invader was repulsed, storms of unusual violence helping the defenders. Here the parallel ends. The Spaniards never landed. The Mongols effected a landing twice, an interval of seven years separating their two invasions. The route taken on both occasions was more or less the same. A glance at a map of the Far East shows that at one point between Korea and Japan the islands of Tsushima and Iki intervene, forming convenient stepping-stones across the straits. By this way the Mongols came, landing in the bay of Hakozaki in the north-west corner of Kiūshiū; but on the second occasion one wing of the invading forces landed some distance further south, with the object of outflanking the Japanese defences.

The first of these Mongol expeditions, consisting of 40,000 troops, came in the autumn of 1274; the second, three times as numerous, in the summer of 1281. At this crisis in her history Japan, like ourselves at the time of the Armada, had the good fortune to be governed by a capable ruler. This was the Hōjō regent Tokimuné. To him the author rightly gives the credit of the firm attitude adopted by Japan in regard to the demands received from Kublai Khan. He seems, however, to lay undue emphasis on the regent's courage in opposing the weak policy at first favoured by the court at Kyoto. The regent's action was simply in accordance with administrative traditions. The communication to the throne of the first message from the Chinese emperor was a mere formality, the court at

Kioto having no authority in state affairs. In these the real decision lay with the Hōjō government at Kamakura. So it has always been during the whole course of Japanese history, from early times down to the Restoration of 1868. The author's picturesque account of the fighting which took place on land and sea between the Japanese and Mongols owes something doubtless to romance, but the incidents he relates are in keeping with the fighting traditions of a time when isolated combats were a conspicuous feature of all warfare. In describing the destruction of the Mongol fleet on the second occasion (pp. 193-4), the author seems to forget that he is quoting freely from a previous writer, Dr. Griffis.

Mr. Yamada has been at some pains to make his narrative more complete by giving a sketch of Chinese, Japanese, and Korean history prior to the thirteenth century, and he has added an interesting chapter in which he compares the Mongol invasion with the Spanish Armada. As a history the book has its faults, and the English is not perfect; but those who read it will be inclined to agree with Lord Armstrong, who writes the introduction, that any one of them 'who tried to write a history of the Spanish Armada in Japanese would fall very far short of what Mr. Yamada has accomplished'.

J. H. GUBBINS.

Histoire de Charles V. Par R. DELACHENAL. Tome iii, 1364-8. (Paris : Picard, 1916.)

SIX years ago we gave a cordial welcome to the first two volumes of M. Delachenal's important monograph on the life and reign of Charles V,¹ the high character of which is fully sustained by the new instalment. This carries the story from his hero's accession to the throne in 1364 to the final establishment of Henry of Trastamare as king of Castile, the return of Urban V to Italy, and the reception by Charles V of the Aquitanian appeals which ended the ill-observed peace that had nominally been established at Brétigni and Calais. It is largely a history of wars—the struggle with Charles of Navarre in Normandy, ending with the battle of Cocherel and the treaty of Vernon, the settlement of the war of the Breton succession by the battle of Auray and the treaty of Guérande, the war against the companies of mercenaries set loose by the peace, the devastations which these brigands inflicted from Normandy to Alsace, from Alsace to Burgundy and the Rhone Valley, their final transference over the Pyrenees on the pretext of a crusade against the Moors, and their utilization to establish and then re-establish the authority of the Bastard of Castile. This long tale of fighting, varied only by insincere diplomacy, is interrupted by chapters on the coronation and first measures of the new king, by the detailed narrative of the journey of the Emperor Charles IV to Avignon and his coronation at Saint-Trophime's as king of Arles, and by an excellent account of the migration of Urban V from Avignon to Italy. The story of these years is told with such minuteness that something still remains for the next volume, notably the administration of Aquitaine under the Black Prince and the growing discontent of his Gascon subjects,

¹ *Ante*, xxv. 156-61.

especially when the costs of the Castilian campaign involved the imposition of the fresh taxation which brought their grievances to a head. It is the fault of the period that Charles V is almost always in the background, that English, and even French history, are for a large part of the volume subordinated to a narrative of what happened in the imperial dominions in the Rhone valley and, still more, to the history of the Spanish peninsula.

The plan and execution of M. Delachenal's work remains the same as in his earlier volumes, and there is no need to repeat what has been said already about it. It is hardly a limitation to his severely scientific method that we still find something of the old hesitation to generalize or emphasize the place of the individual events in the general chain of circumstances, and the old impatience to relate at length a story which can only be told over again in the old way. Thus M. Delachenal refuses to write another detailed account of the battle of Auray. All that is known about it comes from Froissart, and Froissart by himself is a rotten reed to rest upon. Yet Auray has its place in the history of the art of war, though M. Delachenal hardly troubles himself to emphasize the relation of one fight to another. But Cocherel, the first victory of Du Guesclin in the open field, is surely of importance because of the skill with which the Breton general lured John Jowel to quit his strong position on the 'Mont de Cocherel', and thereby forced the whole army of the Captal de Buch to follow him and risk an offensive battle in the meadows of the Eure, in which English defensive tactics were at a disadvantage. If Du Guesclin lost Auray, it was not only because of Chandos's device of an effective reserve, but because the hero of Cocherel's strategy was overborne by the knight-errantry of Charles of Blois, so that a little Poitiers was fought once more and with a like result. It was the same at Nájera. Most of the highly-trained warriors who had followed Du Guesclin to Castile had already gone home, while many, like Chandos himself, were fighting against their recent associate. Spanish military science was still a generation behind the new system which England had initiated and France had now successfully imitated. Accordingly, the Castilian army, which faced the Black Prince, still relied mainly on mounted men-at-arms, and these largely equipped with old-fashioned chain mail, which was unable, like plate armour, to withstand the hail of English archery. The infantry, like the French levies of the early years of the war, was of little military value. Hardly greater was the efficiency of the special and characteristic Castilian force, of the poorly armed and indifferently trained light-horsemen called *Ginetes*. The result was that the only fully efficient troops in King Henry's army were the French men-at-arms, who still remained under Du Guesclin's banners, and the select 'Knights of the Scarf', the pick of Castilian chivalry, under Ayala the chronicler. These two forces, which jointly formed the advanced guard, were the only part of the Spanish army which adopted the new tactics, and stood on foot to resist the shock of the Black Prince's attack. For, undeterred by the Captal's failure at Cocherel, Edward moved from the hills to the plain and forced an immediate battle on his adversary, who in the old chivalrous way crossed the Najarrilla to accept his attack. The result justified Edward's confidence. The only real resistance to him was offered by Du Guesclin

and his dismounted van. When these were overwhelmed, the mass of the Castilian host was easily defeated. The moral of the victory is that the new tactics, devised for defence, might win an offensive battle against an ill-equipped army. Thus in a sense the special moral of Bannockburn was at Nájera brought home on a continental field. The hero of Cocherel was, as at Auray, forced by circumstances to endure defeat by being forced into accepting battle under conditions which he had done his best to avoid. I have ventured to bring out the impression which the details of these battles, supplied by M. Delachenal, leave on my mind, because there seems to result from them some real suggestion of development in the art of war during these campaigns. The double defeat of Du Guesclin may well explain his aversion to pitched battles when the direct war of England and France was renewed. Yet for all his misfortunes the Breton captain remains the hero of M. Delachenal's new volume.

An admirable feature of M. Delachenal's method is his thorough criticism of the sources which he uses. There have never been written better short appreciations of the two chief Spanish chronicles of this period, the Castilian chronicle of Ayala, and the Catalan chronicle inspired by King Peter IV of Aragon. Equally judicious is M. Delachenal's use of Chandos Herald, the sole authority, except Ayala, for the Nájera campaign. The rich archives of Barcelona have been consulted with great profit, and something has been obtained even from the almost inaccessible Navarrese records at Pamplona. Every possible source is tapped for what it is worth. The well-known passage in Chaucer's *Monk's Tale* about the 'wikked nest' and 'of Armorike Genilon Oliver'² is for the first time made to illustrate in a serious history the doubtful part played by Du Guesclin's kinsman, Oliver de Mauny, in the drama of Montiel, the only episode in all these years that suggests the least stain on Bertrand's honour. Similarly, a very ingenious bit of criticism fathers upon Ancel Choquart, sometime a famous master of canon law in the schools of Paris, then a *maitre de requêtes* of Charles V's household, the composition of the elaborate harangue, until recently almost universally attributed to Nicholas Oresme, in which the French case for maintaining the papacy at Avignon is set forth, and which had the honour of eliciting an answer from Petrarch. But best of all M. Delachenal's little discoveries is the publication in the appendix from a Cotton MS. of the true correspondence between Henry of Castile and the Black Prince on the eve of Nájera, and the absolute demonstration it affords to the suspicions of Edward Fueter that the letters between the rival chieftains given by Ayala were but literary embellishments of the chronicler's narrative. Yet not only has this spurious correspondence been quoted time and again by historians: it has for more than two centuries figured as authentic state documents in Rymer's *Foedera*, and the Record Commission's editors of that indispensable work did not scruple to describe as taken *ex originali* what really came from an early printed copy of Ayala. Even in the not very faithful poetic version of the Black Prince's reply, which figures in Chandos Herald, a suggestion of the true original can be seen. It underwent even more drastic changes when

² *The Monkes Tale*, in Chaucer's *Works*, ed. Skeat, iv, 258 and v, 238.

Froissart, a copyist of the Herald for this campaign, re-wrote it in his own prose. The comparison of these two versions with the original is illuminating as to the extent to which documents can be transformed by the summarist and the transcriber.

A good map of Spain and an interesting reproduction of contemporary portraits of Charles V and Joan of Bourbon embellish this excellent and scholarly volume, which is dedicated to the memory of a son of the author, killed in Lorraine early in the war. T. F. TOUR.

Documents illustrative of the Continental Reformation. Edited by the REV. B. J. KIDD, D.D. (Oxford: Clarendon Press, 1911.)

It may seem somewhat late to notice this useful book, but delay from one cause or another, including the loss by death of one capable judge, has brought it into the hands of the present writer. To notice it now is no more than an act of justice: it is one more debt owed by English students to Oxford scholarship and the enterprise of the Clarendon Press. It is needless to dwell on the utility of collections of documents: on this side of the Atlantic one may perhaps venture a doubt as to any great value of the ordinary 'source-books' so freely used on the other side; they may add to the interest of history, but they do not, of necessity, tend to exactness of knowledge. Before they can succeed in doing that they must satisfy one or two definite conditions.

The first condition of success is that the author should be perfectly at home among the material he uses, and should have, as it were, reserves not called up into the first line. Dr. Kidd's excellent (although wonderfully compressed) little book on *The Continental Reformation* (in *Oxford Church Text-books*) leaves no doubt as to this point, and his illuminating words of introduction to the several sections and to separate documents where they are needed is further evidence. And when one reads in the preface of encouragement from Dr. Bright and Dr. Stubbs we can be sure our confidence is justified: but Dr. Kidd speaks for himself when he says: 'we have been advised, of late, not to ignore our differences but to study them. To do this, we must study not origins only, but developments. Origins are common ground. Developments mark the points of divergence. Such developments it has been also part of my object to trace; not so much for their own sake, as because they have become origins in their turn.' Here he speaks for himself, and his words seem to express the spirit in which such a book should be conceived. The knowledge in detail answers to this conception.

The second condition is completeness and fullness within carefully fixed limits. Stubbs's *Select Charters*, Mirbt's *Quellen zur Geschichte des Papsttums*, and Oechsli's *Quellenbuch zur Schweizergeschichte* are books that have gained success by satisfying these conditions. On a smaller scale Bernheim's *Quellen zur Geschichte des Investiturstreites* has been equally useful. There are many other smaller collections and books which have brought students into touch with original authorities or have added interest to general study, but such books belong to a different class from the books mentioned. Dr. Kidd's book belongs, without any doubt,

to the former and more important class. And apart from its own merits it should guide students to larger collections.

The book gives us 351 documents beginning about 1515, although there are one or two earlier documents about Indulgences. The collection goes down to 1564, and is in two parts. Part I comprises Lutheran documents under 45 headings, with some 360 pages: among its contents are the *Centum Gravamina* (p. 113), many well-chosen details of the new ecclesiastical system (xxiv and xxx), the *Consilium delectorum Cardinalium* of 1538 (pp. 307-18), the report of a commission inspired by excellent intentions who saw it, instead of being fully carried out, in the end placed on the Index; the founding of the Jesuits; the colloquy of Ratisbon. Part II deals with *the Reformed*, French and German Switzerland, and just as the Lutheran section included the Scandinavian lands, so this section includes France, the Netherlands, and (through a suggestion made by Stubbs) Scotland. Proper notice is given to the constitutional history of Switzerland, and to the special character of the Reformation at Zürich. Zwingli's activity is well described: nobody could use these documents without seeing how Zwinglianism was affected by the political history of Zürich, the far-reaching schemes of Zwingli, and the civic revolt against the authority of the bishop of Constance: the significance of Zwingli's early enthusiasm for humanism and of his liturgical discoveries (p. 380) is not forgotten. Calvin and Calvinism come in for equally full treatment. Perhaps the limit of date proves itself slightly more awkward for Scotland than for other lands. But it would have been impossible to pass beyond the limit chosen without enlarging the one volume into two. By a future volume, with documents for the internal discussions of Lutherans, with much more space given to the Jesuits and the mediating theologians (see p. 341), the council of Trent (xliii), English Puritanism and the Elizabethan settlement, the work so admirably done here would be rounded off. English students need more of such excellent books from capable English scholars.

We have to thank Dr. Kidd for a book which ought not only to become a recognized work of reference (the writer of this review has lately had occasion to test it with pupils, and can speak of its excellence), but is also perfectly able to ground beginners in study of the period. Its compilation must have been peculiarly laborious, but many a student will find his labour lightened and his outlook enlarged by its proper use.

J. P. WHITNEY.

The Pilgrimage of Grace, 1536-7, and the Exeter Conspiracy, 1538. By MADELEINE HOPE DODDS and RUTH DODDS. 2 vols. (Cambridge: University Press, 1915.)

IN these two lengthy volumes the authors have space to tell the full story of the Pilgrimage of Grace. If the broad facts of the history are not new, the importance of the movement justifies its treatment in detail, and the bringing together and co-ordination of the varied information contained in the *Letters and Papers of Henry VIII* and elsewhere. It is no small credit to the authors that in handling so vast a mass of material they have

succeeded in reconstructing a narrative which leaves the reader with a clear impression of the development and progress of events.

The rebellion in Yorkshire was the most critical moment in the reign of Henry VIII, and had it proved successful it must have changed the whole current of English history. The reasons which led to it were partly economic and political, and partly religious. It was the conjunction of different elements of discontent which brought together the commons and gentry in a common cause, and came near to upsetting the whole of the king's policy. How this was brought about might be stated briefly, but its full understanding could only be achieved by a complete narrative. So also the mixed motives and aims of the leaders and their followers, and the extraordinary skill with which Henry VIII, when he realized the danger, contrived to divide the commons and the gentry, could only be made clear by the collection and sifting of all the evidence. For the pains with which the authors have performed their task, and for the lucidity of their narrative, all students of our sixteenth-century history owe them gratitude. They have left undone nothing which is needed to make the history plain. Beginning with a review of the political situation in the years before the pilgrimage, they proceed to describe the situation by sketching the histories of half a dozen northern families, and so bring out clearly the state of the country and the antecedents and motives of the leaders of the rebellion. In the subsequent history of the abortive movement in Lincolnshire, and of the more dangerous revolt in Yorkshire, such good use is made of the material contained in letters, reports, and other contemporary evidence, that we get a clear view of the development from day to day during the troublous months of the winter of 1536-7. No other method would have brought out so clearly the patriotic idealism of Aske, the intrigue of Norfolk, or the diplomatic ingenuity of the king. The authors find the failure of the pilgrims first in their misconception of Henry VIII as the tool of a favourite, and secondly in their lack of a leader who added force of character to honesty of purpose. Added to this there was the conflict of aims between the gentlemen and commons, who had found a common ground in the religious side of the movement, but who fell apart from this lack of leadership. The lack might have been supplied had the higher clergy overcome their reluctance to join in the pilgrimage. The authors remark that the pope, though anxious to help, was baffled by the indifference of those through whom he might have acted. Had Reginald Pole been a man of different character he might have brought other influences to bear. But though the authors consider that there was still a genuine White Rose party, they point out that its members did nothing but exchange tokens and dream of better days. Pole, in spite of the pope's encouragement, made not the slightest effort to improve the occasion. 'Their one chance slipped from the listless hands of the White Rose party. They did not even know that it was lost.'

Still the destruction of Pole's family formed in a sense the sequel of the pilgrimage, and so the latter part of the second volume is devoted to the history of the White Rose party, and its ruin through the Exeter conspiracy in 1538. There was, as the authors show, a strong undercurrent of sympathy for the pilgrims in the south of England; and if the Poles

and their friends never dared to act, they must have shared in that feeling. The authors find it pleasant to think that it was at the time of the Pilgrimage that the old countess of Salisbury had a tunic embroidered with the symbol of the Five Wounds. At all events the failure of the pilgrimage made Henry's religious policy triumphant, and the ruin of the Poles followed inevitably.

C. L. KINGSFORD.

The Log-Book of William Adams, 1614-19. By C. J. PURNELL, M.A.
(*Transactions of the Japan Society of London*, vol. xiii. 1916.)

WITH Mr. Purnell's interesting contribution to the *Transactions of the Japan Society* the literature relating to the subject of the adventures of Will Adams, master mariner (or pilot, the term current in those times), may be regarded as complete, for there is little likelihood of any fresh material coming to light. The story is a true romance of the sea, typical of the period when England was contending with Spain, Portugal, and Holland for the mastery of the seas. In the course of this long struggle, nowhere, at one time, was the outlook seemingly more hopeless for us than in Far Eastern waters. The main facts of the story are well known. A native of Gillingham in Kent, Will Adams was engaged in the year 1598 as chief pilot of a small Dutch merchant fleet which sailed for Japan by way of the straits of Magellan. His ship, the *Liefde*, was the only one of the five to reach its destination, arriving in April 1600 at Beppu in the southernmost of the Japanese islands. The times were unpropitious for English adventurers. The trade rivalry between the Spaniards and Portuguese on the one hand and the Dutch on the other was at its height, and the religious dissensions excited in Japan by the Christian propaganda of Spanish and Portuguese missionaries had created an atmosphere of suspicion and anti-foreign feeling, which was to culminate later in an active persecution of the Christian religion and the expulsion of all missionaries. Politically, moreover, Japan was still in an unsettled state. Though the administration, after a long period of civil war, was at last in firm hands, the authority of its ruler was by no means unquestioned, and it was not until some years after Adams's arrival that his power was fully consolidated.

Fortunately for Adams this ruler, though not sovereign of the country, was a statesman of great sagacity and liberal views; and through his patronage the English mariner was released from imprisonment, and eventually established in a position of some dignity and affluence. The favour he received from the Shogun Iyeyasu was due, we may surmise, to the special knowledge of shipbuilding and navigation which Adams possessed; and we soon see him employed in constructing vessels for his patron, and forming designs for trading voyages to the mainland of Asia. It is these voyages with which the present volume deals. The shipbuilding labours of Adams do not appear to have been very successful, for the voyages described in the log-book were performed in native junks, purchased or hired for the occasion.

There were four of these voyages, in all of which he was associated more or less closely with the English trading company which had established a factory in Hirado. The first was a failure, bad weather forcing his vessel

to take refuge in Loochoo, whence Adams returned to Japan. The second was attended with better results. This time he reached Bangkok and returned safely, the trading results being satisfactory to the English company. The third voyage was to Cochin China; as a mercantile venture it was less profitable. The last voyage took place in 1619. On that occasion Adams stayed for three months in Tonkin. For each of these voyages a licence from the Shogun was necessary, and the obtaining of this, especially on the last occasion, was a difficult and probably also an expensive business. The death of his patron, Iyeyasu, in 1616, was unfavourable to the prosecution of Adams's trading ventures. From that time till his own death, four years later, his influence at the Shogun's court diminished.

It is not improbable that the efforts of Adams to develop Japanese maritime enterprise would have been more fruitful in their ultimate results, and thus have strengthened his claim for grateful recognition by the country of his adoption, had it not been for the political disturbances which occurred soon after his death. These led to the sudden closing of the country to all foreigners except the Dutch and Chinese, and to the issue of the strange decree restricting the size of vessels, which put an end to ocean voyages until the re-opening of Japan to foreign intercourse in the middle of the last century.

J. H. GUBBINS.

Calendar of State Papers, Colonial Series, America and West Indies, 1704-5. Edited by CECIL HEADLAM. (London: H.M. Stationery Office, 1916.)

IN the light of our present experiences it is interesting to compare the prevailing temper in the colonies during the War of the Spanish Succession. While Marlborough was winning his victories in Europe, the main interest of Englishmen beyond the sea was in their local squabbles. In New England, New York, Virginia, and the West Indies there is the same dreary record of constant bickerings between overbearing or tactless governors and ignorant and short-sighted assemblies. In these years little of importance happened in America; though this was through no fault of the able and ambitious governor of Massachusetts, Joseph Dudley. He reported in November 1704 that the capture of the Canada ship with stores for Quebec had reduced its population to great distress:

So that if their Lordships could obtain the call of four or five frigates here in the spring with a few bombs, I might very well (our people at present being in that temper) ship 1,000 or more men, and by the destruction of Quebeck and Port Royal put all the naval stores in North America into his Majesty's hands and for ever make an end of an Indian warr.

The assembly had in the last two years given nearly £50,000 towards the support of the war with the Indians, which would be all saved for the future by one sound stroke upon the French. Dudley complained bitterly of the selfish apathy of Connecticut and Rhode Island. The question of the Board of Trade regarding the number of immigrants was soon, he wrote, answered.

There hath not been ten families these last ten years come to settle here, but some hundreds are gone from hence to all the neighbour colonies who are in peace and quitt

of taxes, while both are heavy upon this place, so that I dare to put it on that issue with Connecticut and Road Island if they will impress or send into the service such or so many good able men as they have got from us in seven yeares past, I will aske no more. (March 10, 1705.)

But though Massachusetts was always willing to contribute to that imperial defence which it recognized to be its own interest, in other ways Dudley found his position difficult enough.

'I am sensible', he wrote, 'I have troubled your Lordships too often with the account of the Assemblies' refusal of any establishment of a salary for the Governour, which they are obstinate in to the last degree, and so they are in their elections of the Council, the best men of all parts are left out, and men of no principles in government sent to the board, from whom I can expect nothing but contradictions and opposition. These priviledges of election of Councillors are no manner of benefit to these provinces, but are scandalously used to support partyes against the honour of the Crown and Government, and are made opportunities to affront every loyall and good man that loves the Church of England and dependance upon H.M. Government, who, to be sure, shall never obtaine a vote, though very superior to others for learning and estates.'

From New York Lord Cornbury was laying down the comfortable doctrine that the holding of general assemblies was purely by the grace and favour of the Crown; a doctrine which his own malpractices were to do more to discredit than reams of learned argument. During these years his version of current affairs sounds plausible; but there are not wanting signs that the home authorities were beginning to distrust him.

In Virginia a much more respectable character, the active and hard-working public servant, Colonel Nicholson, found himself embroiled in yet fiercer controversies with what he maintained to be a small faction. The countercharges of the governor and his chief opponent the commissary, James Blair, make strange reading. If his enemies got their way, wrote Nicholson,

his Majesty will have but a mere skeleton of a government left, and hardly the power of a doge of Genoa, and I think the question may be put to them the wise King Solomon did to his mother, why don't they ask the Kingdome or the Government also, that they may make a Commonwealth of it. . . . They would insinuate as if I did these things to regain the good will of the common people; I don't know that ever I lost it, nor of the best sort neither, except their small party

which had been alienated by not being loaded with the spoils of office. On the other hand, Blair solemnly swore that the governor had furnished pistols, powder and shot, that a barring out escapade of the schoolboys of William and Mary's College should end in Blair's death. The charges against Nicholson were probably to a large extent fanciful; but his letters prove him unhinged, and the home authorities were doubtless wise in effecting his recall without aspersions on his past good conduct.

A new lieutenant-governor, John Evans, threw no further light on the problem of government in Pennsylvania; and the Quaker colony continued to juggle between the claims of the individual conscience and of the commonwealth, with no little damage to the character of both. An elaborate opinion of the attorney-general on the laws passed in that colony in 1700-1 well illustrates the difficulty of the imperial position. Laws, such as that regarding liberty of conscience, far in advance of contemporary English law, were mixed up with others of so primitive or

barbarous a character as altogether to justify the veto of the home government.

In Maryland it seemed on the surface that in the province which had been founded by a Roman Catholic on the principle of toleration a new law had deprived Roman Catholics of the liberty of public worship; but the private exercise of their religion in their own houses and families was safeguarded. In Maryland also the mischief of shirkers professing themselves Quakers to avoid sharing in the public danger became manifest. From the West Indies there comes the same tale of scoldings and wranglings. In the general revelation of small men and petty motives the scathing criticism of Christopher Codrington or the failure at Guadeloupe breathes a more generous air.

The separate publication of the *Journal of the Council of Trade* has allowed some economy of space, and again we have the calendar for two years instead of, as had become the practice, for only one. There is a curious slip in the preface. The affairs of the West Indies are treated, reasonably enough, in a separate section. But in this section, wedged in between the affairs of St. Kitts and of Tobago, we find Newfoundland dealt with. It will be news to the dour sons of that island that they belong to the West Indies.

H. E. EGERTON.

Lord Granville Leveson Gower (first Earl Granville), Private Correspondence, 1781-1821, edited by CASTALIA COUNTESS GRANVILLE. 2 vols. (London: John Murray, 1916.)

THESE letters give the reader an intimate acquaintance with a large number of persons belonging for the most part to the highest, the governing class of society, from the early years of Pitt's first administration—those before 1785 are few and unimportant—to the battle of Waterloo; the last indeed is dated 1821, but only a small number are later than 1815: they tell us how these people lived, what they thought of one another, how they regarded contemporary events, their amusements, and the books they read. They are nearly all addressed to, or written by, Lord Granville Leveson Gower, born in 1773 and created Viscount Granville in 1815, who here, as throughout these volumes, may as well be called Lord Granville. He was the younger son of the wealthy marquis of Stafford, who as Lord Gower left North's government in 1779, refused to succeed Shelburne, and joined Pitt's administration. The letters of Lady Stafford, his third wife, to her son Lord Granville are those of a wise as well as a religious woman; along with brightly told news of family and other social events they contain earnest and gently expressed advice and warnings, especially against gaming, to which he was much addicted during his earlier years. Among his friends while at Christ Church were Canning and Jenkinson, both about three years his seniors: with Canning his friendship remained warm, and it had a strong effect on his career; Jenkinson's 'excessive importance' he soon found 'disgusting', but believed that though his abilities were not first-rate he would make 'some figure in the house of commons', an early instance of the correctness of his judgment of others, a capital quality in a diplomatist. After leaving Oxford in 1792 he went abroad, and avoiding France was at Frankfort at the coronation of Francis II, and reached

Petersburg, where Catherine II talked with him about Paris, of which he knew something, having visited his half-brother, Lord Gower, there two years before. In spite of much gaiety he spent his time profitably. A year later, while on a tour in Italy, he met Lady Bessborough, to whom we owe the larger number of these letters. He was called home to do duty with the Staffordshire militia, and soon afterwards was returned to parliament for Lichfield. While a steadfast supporter of Pitt, who was adored by his parents, he did not take a prominent part in parliamentary affairs; his tastes and his abilities led him to prefer diplomatic work. Remarkably handsome, with courtly manners and a warm heart, plentifully supplied with money and ready to spend it magnificently, he was a universal favourite in society both at home and in foreign countries, and with women at least as much as with men, as his correspondence amply testifies. Though he was naturally inclined to give way to what Lord Malmesbury calls here 'the amiable idleness of London', he worked for his country abroad with unremitting industry as well as with the capacity conspicuous in his dispatches.

He had the advantage of being initiated in this work by Lord Malmesbury, whom he accompanied on his mission to Paris in 1796. Paris, he observes, seemed little different from what it was when he was there in 1790, but there were fewer carriages in the streets, the term *citoyen* was seldom heard, and the appearance of the people 'less democratic than in England'; everything was very dear, paper money was little used, and specie was plentiful. The desire for peace was, he says, universal, and he mentions the well-known incident of his being 'embraced by the *poissardes*' on entering the city. As to society, he described Paris as the most profligate place he had ever set foot in; there was not 'a remnant of anything like virtue or principle'. Malmesbury wrote to Lady Stafford praising him warmly, and took him with him on his mission of the next year, which he foretold would be of short duration, and was ended abruptly at Lille. He was next employed as ambassador to congratulate Frederick William III on his accession: he did not see the king, who was ill, but was impressed by the queen's unaffected grace. In 1804 Pitt sent him to Russia to persuade Alexander to enter the third coalition against France. A full record of the skill and firmness with which he conducted negotiations, bringing them first to a provisional agreement in April, 1805, and finally, after difficulties had arisen which seemed insurmountable, to a successful issue, must be looked for elsewhere.¹ Here we see him working hard, bored by the reticence with which he was treated in society, finding relief in an extraordinary flirtation with 'the little barbarian', the Princess Galitzin, and at last so wearied with his work as to describe the diplomatic service as 'a school for falsehood and dissimulation'. His return home was difficult: he intended to travel by Warsaw and Vienna, but at Brünn he heard of the capitulation of Ulm and the French occupation of Vienna. He hurried to Olmütz, close to the Russian and Austrian encampment, and after a time of much discomfort there had to leave in haste on the news of Austerlitz. He wrote from Troppau of the courage which the tsar and his army

¹ *Despatches relating to the Third Coalition against France*, Royal Historical Society, 3rd Camden ser., vol. vii.

displayed in the battle. While on a second mission to Russia, ended by the treaty of Tilsit, he spent some time at Memel in familiar intercourse with the Prussian queen, and gives a pathetic account of her depression and fortitude.

At the first meeting of Lord Granville and his constant correspondent Lady Bessborough, who was twelve years older than he, a passionate attachment between them began which lasted for some years and was succeeded by a close friendship only ended by her death in 1821. By 1809 she was able to rejoice at his marriage to her niece, Lady Harriet Cavendish, whose charming *Letters*, published in 1894, tell us how happy that marriage was. Lady Bessborough, a daughter of Earl Spencer, was not less beautiful than her elder sister Georgiana, duchess of Devonshire, and was, as she records here, constantly besieged by lovers. On one occasion, during a long evening call that she received from the prince of Wales, his conduct was at once so violent and so abject that on any less authority than hers, or concerning any other man, the account she gives of it might well be considered incredible. More interesting to us than her beauty is the delightful character of her letters, which are as bright and unaffected an expression of the writer's thoughts and feeling as could be conveyed by spoken words. As one of the great ladies of the whig party she looks on politics from a different point of view from that of Lord Granville, but the difference grows less as years pass by and other influences than those of Fox's time affect her. She was kind-hearted and unselfish, a fond mother and a devoted sister to the duchess of Devonshire, who found her a ready help in her illnesses and in breaking to the duke the enormous amount of her gambling debts; and though, like other women of her rank and time, she was seldom brought into contact with the poor, she was deeply moved by such cases of distress as came under her notice, tender in her sympathy and generous in her help, and her references to the school she set up and maintained at Roehampton, her husband's English seat, for training destitute girls for domestic service, show that her charity was not based merely on sentiment. Of Lord Bessborough, an amiable nobleman and a strong opponent of the Union, we hear little except in connexion with attacks of gout, when his lady expresses due sorrow for him. Her gossip about society is vivacious and sometimes humorous, and she often turns from it to talk about books, for she had intellectual tastes and read widely and critically: she refers to Locke and Dugald Stewart, to Roscoe's *Lorenzo de' Medici*, and to a large number of works of *belles-lettres* in French and Italian as well as English.

Lord Granville, who had been a lord of the treasury for a few months before Pitt's resignation, followed him out of office. Before doing so he asked and received his father's consent, for he was then representing the county of Stafford, where the earl's influence was overwhelming. The anomalous position and confusion arising from Pitt's request to his colleagues to remain in office are well illustrated here. Letters from Canning express the growing discontent with which he and the other adherents of the fallen minister beheld what they considered his subservience to his successor, and Addington's unworthy treatment of him. At last, on 3 October 1803, Pitt, on meeting Granville by chance, poured out to him his dissatisfaction with the ministers, speaking of their 'contradictory

orders' and 'inconceivable blunders' as imperilling the safety of the kingdom. It was probably to some report of this conversation that Fox referred in his letter to Grey on 17 December, evidently doubting whether Pitt had been so outspoken as was alleged.² Of Canning's position during Pitt's second administration we hear a good deal: his jeers enraged the Addington faction, and attempts were made to discredit him: forged letters were sent in his name to Sidmouth soliciting office, which Sidmouth believed or affected to believe were genuine; and a dispute with Lord Hawkesbury, who, Lady Bessborough considered, treated him shabbily, caused him much annoyance. He made himself personally disliked by others: Fox, whose good nature was unbounded, complained of his pettishness, and Lord Grey, who had 'formerly been particularly partial to him', and had advocated his admission to the cabinet when negotiations with Pitt's friends were afoot in 1807, spoke of his treatment of him when Canning was foreign secretary in the Portland administration with extreme bitterness. Granville, who was for a short time secretary at war, went out of office with Canning and received a note from him, printed here, written immediately after his duel with Castlereagh, to assure his friend that his wound was not serious. Several letters refer to Canning's refusal to serve with Castlereagh when Lord Liverpool formed his cabinet. William Lamb, afterwards Lord Melbourne, who agreed with his mother-in-law, Lady Bessborough, in liking him, considered that Castlereagh, though he had been 'obstinate and absurd' at first, had done all that he reasonably could to make it easy for him to come in, adding that 'he takes as much courting as a woman and more than most', and that he was too fond of writing and too touchy. A year later he bitterly repented his refusal and in his soreness of heart laid the responsibility for it on his friends, and among them on Lord Granville.

Visits of Lord Bessborough to his Irish estates are narrated by his lady in some lively letters describing the terror inspired by the Whiteboys, the delight with which the tenantry welcomed their absentee landlord, and the extortions of the tithe-farmers. She gives a curious account of the excitement in London at the introduction of gas for street-lighting in 1807, and the wild rush for shares in the new company, which was said to promise investors '£6,000 a year for every seven guineas'. The flight of her daughter, Lady Caroline Lamb, from her father-in-law's house, which deeply distressed her, is told at length. Among the later letters are some from her son, Colonel Frederick Ponsonby, who served with distinction in the Peninsular war and was severely wounded at Waterloo, and others containing news received from him: those relating to the battles of Barrosa, Albuera, and Salamanca and the operations subsequent to it, deserve attention. She records with indignation the attempts of the whigs to belittle Wellington's achievements. So many and diverse are the points of interest touched on in these volumes that it is impossible to give an adequate notice of them within reasonable limits. The editor's work has been done with admirable care and completeness, and readers will derive great assistance from it, especially as many persons are designated in the letters by nicknames.

W. HUNT.

The Second Partition of Poland; a Study in Diplomatic History. By ROBERT HOWARD LORD, Ph.D. (*Harvard Historical Studies*, No. xxiii. Cambridge, U.S.A. : Harvard University Press, 1915.)

THE cause of Poland owed no effective aid to British statesmanship, from the time of Pitt's passivity in 1792 to that of Lord Russell's *non possumus* in 1863; and there was very cold comfort in the words which, as we learn from Mr. Buckle's new volume, Disraeli used in the house of commons: 'If the partition of Poland was a great crime, it was a crime shared by the Polish people, as their national existence could not have been destroyed without some faults on their side.' Students of history who have contented themselves with this kind of self-complacent judgement and the grain of truth which it contains, will do well to read Dr. Lord's monograph, and more especially the introductory part of it, which deals with 'the unfortunate historic evolution of the Polish constitution', together with the very remarkable chapters treating of the beginnings of national revival, and of the attempted realization of them in the constitution of the third of May. Dr. Lord justly holds that the history of the second partition of Poland, which is his proper theme (although he carries it forward in some respects to the much debated ground of the negotiations which ended in the third partition), cannot be understood when viewed as a mere episode in the history of the revolutionary war, or as a result of the transactions (the reverse of complete) between the eastern powers down to the time of the Russo-Prussian Convention of January 1793. To these transactions Dr. Lord has given full attention; and those who can call to mind the controversies of a past generation, in which the conclusions of Sybel's great book on the revolutionary epoch were impugned by Hüffer and others and defended by the eminent author with no measured scorn, will readily acknowledge the use made in the present volume of the new sources, and of the new historical works, Polish and Russian in particular, which have been open to the use of its writer. He has thus produced one of the most notable diplomatic studies that have been recently published, and one which does great credit to the historical school of which he is a member. But it is in the passages to which I have referred that the special value of his work seems to lie. In the midst of strife and warfare we are so apt to pass perfunctory judgements on nationalities and nations, that we may well pause to reconsider, in the light of impartial research, the popular verdict, 'all their own fault', which is often thought a sufficient explanation of the doom of what, before the partitions, was the third largest of European states; and this, quite apart from King Louis-Philippe's generous sentiment, *Les peuples ne sont jamais coupables*.

The constitutional history of Poland in modern times comprises a long period of decline, followed by a very brief time of reform. During the former, in the words of Professor Höttsch, one of the chief living authorities on the age of Catharine II, Poland made the vain 'attempt to play the part of a great power of the modern type with only the resources of a medieval feudal state'. The Polish type of polity was only an exaggeration of the kind of state implied; the very *liberum veto*, which to many critics symbolizes the anarchy of Polish constitutional life (and

excusably so, since of fifty-five diets held between 1652 and 1764, not less than forty-eight were 'exploded' by the vote of a single deputy), was merely an exaggerated application of the idea common to medieval parliamentarism, or the system of estates, that the vote of a majority cannot bind a minority; 'in Catalonia, for instance, a single nobleman by uttering the words "*Yo dissent*" could stop the proceedings of the Cortes.' The essential difference in the evolution of Polish constitutional life lies, of course, in the fact that in Poland neither did the Crown ultimately prevail over the estates, nor the estates or parliament over the Crown, but a single class over all the rest. The triumph of the *szlachta*, composed of a handful of great families, and of what it is hardly an exaggeration to describe as an 'aristocratic proletariat', was primarily due to their exemption from all taxes and all public duties except unpaid military service, and was assured by the strange abasement of the towns, the cruel degradation of the peasantry, and the gradual exclusion of the clergy from the diets, while the higher positions in the church were absorbed by the aristocracy. A curious, but very natural consequence of the monopolization of political power by the country gentry was that in reality it was not the diets that were supreme in the land, but the *dietines*, or local assemblies—which as *dietines of relation* received the reports of deputies as to the fulfilment of their mandates, and not unfrequently modified the conclusions of the larger body. And not less disastrous than the evil of the mandate-system and the constant use of the *liberum veto* was the corrective applied to it. The system of *confederations*, through which the republic was ultimately brought to its fall—for it was the malcontent magnates (one cannot quite see why Dr. Lord calls them *émigrés*) who were the authors of the confederation of Targowica that threw themselves and their country into the tender embraces of Catharine II—was anti-constitutional in its very origin and essence, a device of *ἐταπλά* formed for the carrying through of party objects either in an *interregnum*, or on behalf of the king, or, more commonly, against him. The royal authority thus became little more than a tool that could be used or abused, and, even in the hands of a sovereign ambitious both of increasing his authority and of recovering for Poland the place she had held in Europe in times long past, merely served to add a certain dignity to the national collapse.

King Stanislas Leszczynski, with all his amiability, seems to have foreseen the humiliation, far more bitter than that which closed his own ephemeral reign, reserved for his namesake, the unhappy King Stanislas Augustus. But he could hardly have foreseen the great movement for reform of which yet a third Stanislas—whose name is probably to be found in few western histories, though, according to Dr. Lord, his own book had an unexampled success—was a literary embodiment. Stanislas Stuszc, in 1785, denounced the *liberum veto*, and demanded the establishment of hereditary monarchy and a permanent diet, besides a full series of military, judicial, and industrial reforms, and the abolition of serfdom. In the idea of reform there was nothing new for Poland, which, it should always be remembered, had shown itself remarkably open to the influences of both Renaissance and Reformation; the marvel would rather lie in the completeness and thoroughness of what rapidly became the programme of

the whole nationalist party—the patriots, whose demands swayed the great diet of 1788 to 1793—were we to forget the age in which that diet held its sittings. Of the soundness and salutariness of these reforms there can be little question; but had Poland the inner strength necessary for carrying them? The answer to this question is not to be given rashly, and should certainly not be based only on the abundant pictures of Polish social demoralization at our service. The four years' diet, which represented the growth of the desire for political reform during the two decades (or thereabouts) that had passed since the hard lesson of the first partition, knew its own mind in spite of the turmoil of conflicting factions, and the plan of reform adopted at Warsaw, both in what it rejected and in what it proposed to add (the principle of hereditary kingship *imprimis*), amounted to the establishment of a constitutional monarchy of the modern type. The misfortune of the diet was that it failed, and that the constitution passed by it *en bloc* on the famous third of May served no purpose but that of becoming a stone of offence to Poland's worst enemies. For Russia turned against Poland and her monarchical reform so soon as the Turkish war was at an end, and Prussia had only waited for the moment when Russia should set herself against the constitution to join in the denunciation of it and in the endeavour to put an end to the beginnings of the new political life of the doomed republic. The conduct of Austria is, as usual in these transactions, less easy to describe in brief. Dr. Lord is of opinion that Sybel's failure to prove his assertion that the Emperor Leopold II had a hand in preparing the *coup d'état*, of which the adoption of the old constitution formed part, may be held to have been demonstrated; while it is equally certain that the emperor exerted himself actively to secure the general recognition of that charter by the powers. But after Leopold's death, and after Austria had felt herself obliged to seek the alliance of Prussia for her campaign in the west, the note of Austrian policy changed, and the two German powers undertook in future to guarantee not *the* free constitution, but *a* free constitution for Poland—and Russia's hands were untied.

Space fails me to follow Dr. Lord through the mazes of the negotiations which from the middle of 1792 onwards prepared and led up to the second partition of Poland. The policy of Russia and that of Prussia were dictated by lust of territory, the one governing motive, as Dr. Lord truly remarks, of the diplomacy of the age. In the case of Catharine II it is futile to suppose the co-operation of the sentiment of nationality, or of religious sympathies, or indeed of any sentiment except such as was still inspired by Potemkin, the self-designated king of Dacia. In the case of Prussia and her fitfully ambitious king, Frederick William II, the desire to *arrondir* the frontiers of Frederick the Great had become the political gospel of the men—Haugwitz, Lucchesini, and the rest—who, without being bound by systematic designs like those of Hertzberg, directed the foreign policy of the kingdom in the latter part of the reign and for some years beyond. The great mercantile port of Danzig and the important military position of Thorn were advantages in no event to be missed, and the balance between German and Polish nationality in the Prussian state was not so dangerously affected as in the third partition. Austria, on the contrary, after gaining

the whole of Galicia in the first partition, fluctuated both in her policy and in her immediate purposes ; and, as has been said, when she had again thrown in her lot with the despoilers, she found herself at last with her bird—the time-honoured project of the Bavaro-Belgian exchange—in the bush, while her German ally had his in the hand. This was clear to the emperor himself, and Cobenzl and Spielmann were dismissed from office, making room for Thugut, who, having failed to modify the conditions of the second partition, addressed himself to the preparation of the third. Into his examination of the earlier phases of the career of this statesman—a Kaunitz of far lesser calibre—it would be interesting to follow the author of this volume ; but I have already exceeded my limits, and my primary purpose has been to direct attention to the internal side of Dr. Lord's most interesting narrative.

It is to be regretted that the author of this volume should have allowed his clear and at times powerful exposition of his theme to be occasionally marred by solecisms of expression which could easily have been avoided. 'Supposedly' is bad enough, but to 'disrupt', 'disgruntled', and the like, are worse ; and to read of Potemkin as 'the late lamented' is painful. The Harvard University Press is to be congratulated on its possession of Russian and Polish type, but to print the names of Russian and Polish books without transliteration is not yet the best way of ensuring reference to them.

A. W. WARD.

A Descriptive Catalogue of the Western Mediaeval Manuscripts in Edinburgh University Library. By CATHERINE R. BORLAND, M.A. (Edinburgh : Printed for the University at the University Press, 1916.)

No student of medieval manuscripts in Great Britain is likely to under-rate his debt to the present Provost of King's College for his admirable series of Cambridge and other catalogues. Dr. James's knowledge of the contents of our collections, of the decoration of the books, and of the methods of the scribes and librarians through whose hands they have passed, is unrivalled and stands small chance of being ever excelled. In Dr. James's hands the study of this particular side of manuscript lore has led to an advance of knowledge of which earlier librarians hardly dreamt. Nevertheless we think there is some danger lest Dr. James's catalogues should be taken to be the model of all cataloguing, and his the only right method in which a catalogue may be written or printed. After all, the primary need, as it seems to us, of the great majority of those who use a catalogue of manuscripts is to discover exactly what works or documents are contained in each volume, and where they may be found printed. To state these facts with accuracy often needs laborious hours of minute bibliographical research. Were it Dr. James's practice to set down all that he knows on these points, still more if it were his way to investigate what he does not know as minutely and carefully as he goes into questions of the collation of quires, the identification of press-marks, and the comparative study of historiated initials, the row of volumes standing to his credit on our shelves would have been much shorter, and we should have lost much instruction that nobody but he could give us. So he wisely puts the contents of the book in smaller

type and expands the information as to externals. In this handsome volume Miss Borland shows us that she has assimilated his system with a thorough understanding of its merits. We are not so sure that she has an equal comprehension of its limitations. So far as concerns the matter which he and she agree in putting into larger type, one might open her book and read for pages under the impression that Dr. James's work was before one, and that is no small praise. We must not be thought ungrateful if we try to put in a plea for better treatment of the despised small-type matter, the enumeration of authors and titles and the description of anonymous or unrubricated tracts. Even here there is something to commend. Miss Borland generally gives us the title or colophon, where there is one, verbatim, and the opening words—though in the case of a sermon she should beware of giving only the text or such a phrase as 'Quoniam, fratres karissimi'. But a few examples will show that more help might have been given in the perplexities of attribution, and that Bandini or Hauréau, as well as the Provost of King's, may be models worthy of a catalogue's imitation.

There are in the collection before us four copies of the work entitled *Compendium Theologicae Veritatis*. Two are anonymous (nos. 72, 74); the other two give us choice of three authors, Albertus Magnus (no. 73), Thomas Aquinas, or Hugo Cardinalis, i. e. Hugues de S. Cher (no. 112). Miss Borland indexes no. 112 under Aquinas (attributed) and Hugo de S. Caro, but none of them under Albertus, and brings the four together only under the title; and she gives no indication where it may be looked for in print (anonymously and in Albertus' works). Of Hugh of Strassburg, to whom the writers of the *Histoire Littéraire* assign the real authorship, she makes no mention at all. The author of the *Sermones Provinciales* (it should perhaps be *Provincialis*) in no. 96 is Peter of Rheims. Gregory of Huntingdon (fl. 1290) is not, in spite of Bishop Bale, among possible candidates for the authorship of the *Imago Mundi* (no. 115, art. 2), since several of the manuscripts go back to the twelfth century. It may possibly be by Henry of Huntingdon, but Hauréau decided for the shadowy Honorius of Autun. The *Meditations on the Passion* in no. 110, art. 9, are part of the same *Meditationes de Vita Christi* which occurs in no. 92. The claim of S. Bonaventura to the authorship, admitted by Miss Borland, is very doubtful. According to Peltier they are the work of a monk of San Gimignano, perhaps Johannes de Caulibus. Roger Bacon, to whom an experiment in no. 131, art. 14, is ascribed, does not appear in the index. No. 137, *L'Arbre des Batailles*, is by Honoré Bonet. Occasionally, but rarely, one suspects a misreading in Miss Borland's version of title or opening words, or that a lack of Greek (the twelve Greek manuscripts in the collection are briefly described by Mr. Tillyard) may have stood in her way (Isagogus is not the title of a work by Porphyrius). But enough of fault-finding. This book, with its conscientious work, its excellent print and twenty-five admirable plates, is a precious possession and a work of which Miss Borland may be justly proud.

The collection thus revealed to us is not, as a library, of any considerable antiquity. As lately, it would seem, as 1825, Edinburgh University possessed but thirty-six medieval manuscripts. It now has some 230,

about half of which it owes to the generosity of that wise benefactor, David Laing. As it stands, however, the library is rich in interesting and beautiful books. This is hardly the place to speak of the liturgical section, which is perhaps the most important, and in describing which Miss Borland's own skill has been aided by help from Mr. F. C. Eeles, whose knowledge of Scotch liturgical matters is unsurpassed; but attention must be called to the fine eleventh-century psalter with Celtic ornament, of which a good coloured plate is given. Among the law-books, a fifteenth-century manuscript of Swedish borough law is a rarity in British collections. Of strictly historical manuscripts, there is a well-known copy of the *Scotichronicon*, but perhaps the most interesting book relates to England, being an unpublished collection of precedents of royal letters, chiefly of the time of Richard II. The compiler suggested is John Prophete, a royal secretary, who died in 1416. It is stated that a detailed description is to be published in the Camden Series. This is good news, and we venture to hope that the Royal Historical Society, having embarked on the enterprise, will deal also with other books proceeding from the king's secretaries' office, of which a diligent search would probably unearth a good many. Besides the *Liber Epistolaris* of Richard of Bury, described in *Hist. MSS. Commission*, 4th Report (app., p. 379), attention may be drawn to two in the British Museum, one of the early part of Edward III's reign in Royal MS. 12 D. XI, another of about the same period as the Edinburgh MS. in Royal 10 B. IX. Of a later date the Museum has a good series of books of the Latin secretaries of the sixteenth and early seventeenth centuries.

J. P. GILSON.

Short Notices

THE *Genealogical Tables illustrative of Modern History* first published by the late Rev. Hereford B. George more than forty years ago have long acquired and deserved an established position as a work of reference. They now appear in a fifth edition, revised and enlarged by Mr. J. R. H. Weaver (Oxford: Clarendon Press, 1916). The enlargement consists mainly in the continuation of the reigning houses down to their last changes and the insertion of their younger members; there is also added a list of the presidents of the United States of America. The work of correction has been carefully done: we have looked for facts omitted in the earlier editions and have found them duly inserted. It may be useful to note some things which might be added or altered with advantage when the book is next republished. For English history we suggest that there should be mention of the marriage of Edmund earl of Kent with Lucia daughter of Bernabò Visconti (tables iv* and xxxiv); of the name of Anne, the daughter of Henry duke of Warwick, whose death left the earldom to her uncle by marriage, Richard the kingmaker (vii); and of the second marriage of Frances duchess of Suffolk to Adrian Stokes, and of her third daughter, Mary the wife of Henry Keys (viii). In xxix it might be possible, though it would not be quite easy, to introduce the affinity of Jacquetta of Luxemburg, the wife of John duke of Bedford, whose origin is commonly left obscure. As Anthony of Brabant's wife, Joan daughter of Waleran count of St. Pol, is given, her first cousin Peter of St. Pol, the father of Jacquetta, could be inserted as well. In xii the numbers of the emperors and kings are not all supplied; nor are the confusing double numbers of one duke Albert of Austria (xiv) and of several dukes Albert of Bavaria (xvii); and the numbering of the Emperors Constantine, from VIII onwards, does not accord with that generally approved (xlvii). It would be well to insert the marriage of the Emperor Romanus II with Bertha (or Eudocia), daughter of Hugh king of Italy; and in the Norman pedigree in xiii room should be found for Robert Guiscard's daughter Emma, the mother of Tancred the crusader. In xviii we miss the name of Anna daughter of the elector-palatine Rudolf II, who was the second wife of the Emperor Charles IV; and in xlii his third and fourth wives should be inserted, if only to show that Wenceslaus and Sigismund were half-brothers. The Hohenzollern pedigree* (xx a) should include John of the Franconian line (brother to Albert the grand master of the Teutonic order), who married Germaine de Foix, widow of Ferdinand of Arragon. In xvii the double name of Henriette Adelaide of Savoy, wife of Ferdinand Maria elector of Bavaria, is required; and

Sophia daughter of Thomas Palaeologus (xlvi, xlviiii) might be given her earlier name Zoe as well. Two sons of Louis Napoleon, king of Holland, are mentioned in xxiv*, Napoleon Charles and Louis Napoleon: the latter's full name was Charles Louis Napoleon, and there was another son Louis Napoleon (also called Napoleon Louis), who was for a time grand duke of Berg and married Charlotte daughter of Joseph Napoleon; neither husband nor wife is given here. The list of popes (li) is taken from a late and bad source. Martin III should be Marinus II. Donus II and John XV (985) have been invented merely by error of transcription. The real John XV is here called John XVI, and the antipope John XVI is numbered XVII (997-8); so that we find another John XVII, correctly so numbered, in 1003. It may be noticed that as names are anglicized in this book Pippin and Odo should not appear in the French forms 'Pepin' and 'Eudes' (xii, xxv). 'Réné' (xxx and xxxiii) is a mistake for René. The headings of dynastic families are not always inserted: 'Angeli' and 'Palaeologi' are lacking in xlviiii. And there might well be a foot-note in xvi a to explain 'Ascanian'. In the first three editions the tables were folded and mounted on guards, and the book was easy to handle: now that the tables are bound up flat and the book requires 2 ft. 8 in. of space to open out, it cannot be described as convenient for practical use. R. L. P.

Among the many students who in these days busy themselves with the history of India no one is more diligent than Professor H. G. Rawlinson of the Deccan College at Poona. His pleasant collection of essays entitled *Indian Historical Studies* has been noticed in this Review (*ante*, xxix. 411), and his little volume on *Shivaji the Marāthā* (xxxii. 517). Now he offers a more substantial work on the *Intercourse between India and the Western World from the Earliest Times to the Fall of Rome* (Cambridge: University Press, 1916). The author endeavours to give a succinct account of his subject, which has never been dealt with as a whole in any English work, although the material has been handled by a host of writers. India, until quite recent times, neither received much from Europe nor gave much to it. We can trace small effects in the domain of art and architecture, and larger ones in the province of mathematics and astronomy, to prove that India had something to learn from the West. But on the whole, Indian evolution has been wonderfully self-contained. On the other hand, until the latter part of the eighteenth century, when Sanskrit became known, Indian ideas had extremely little influence on European religion or philosophy. The somewhat fanciful notion that Gothic architecture is to be traced back to an Indian origin requires much more proof than Mr. Havell has given. Mr. Rawlinson has laboriously collected all the references he can find to early intercourse between Europe and India, and has done his work on the whole well. Everybody who has tried to write history knows how unattainable is the ideal of perfect accuracy; and if some slips in the book before us are pointed out, the criticism need not be taken amiss. The partial reproduction of the details concerning the internal constitution of the Maurya empire is not relevant. That topic concerns the internal history of India and can be treated properly only in a work devoted to such history. The author often slips in his references. The note 4 on page 6 seems to refer

to the *Progress Report of the Archaeological Survey for the Western Circle for 1912-13*. The passage alluded to deals with Sabaean inscriptions, not with supposed Phoenician antiquities. On p. 14, *R.S.A., Journal* is not the proper way to cite the *J.R.A.S.* *J.R.A.S. Bengal* should be *J.A.S.B.* The venerable Society founded by Sir William Jones is not 'Royal.' The *Early History of India* should not be cited as *Anc. Hist. Ind.* If the author had used the third edition of that work instead of the second, he would have been saved from some mistakes, e. g. about beryl mines (p. 101). The attempt to derive 'elephant' from the Arabic *al* plus the Sanskrit *ibha*, although not new, is simply absurd. 'Tinavelly' is not a recognized spelling. On p. 25, Hecataeus of Abdera, the contemporary of Alexander the Great, is confounded with the much earlier Hecataeus of Miletus. Alexander entered India in 326, not in 329 (p. 33). 'Solar topi' (p. 74) should be 'solah topi'—i.e. pith helmet (see Yule and Burnell's *Glossary*). The identification of Minnagara with Madhyamikā is an unprovoked blunder of Mr. Schoff, wrongly fathered on another author (p. 117). The misreading in MSS. of Limiriké for Damiriké is simply due to confusion between Λ and Δ (p. 120). So much may suffice. The book is useful as a compendious summary, and probably may reach a second edition, when corrections such as those noted can be inserted. Others are needed. V. A. S.

Mr. Max Radin, in his essay on *The Jews among the Greeks and Romans* (Philadelphia: The Jewish Publication Society of America, 1915), does not attempt to give us a connected history of the Jewish nation in the Graeco-Roman period, but rather a series of chapters on various aspects of the relations between Jew and Gentile in a loose chronological framework. The first three of these—on Greek and Roman religious ideas and concepts of race—contain little of general interest, and might with advantage have been compressed into an introductory section; and the 'Sketch of Jewish history between Nebuchadnezzar and Constantine' which follows is extremely slight (only ten pages). The chapters on 'The Opposition'—both in its social and philosophic aspects—are written with some freshness and of course with a sympathy with the Jewish point of view which gives them an interest of their own; and in the chapter on the development of the Roman-Jewish community the criticism of the alleged expulsions of the Jews from Rome is worthy of note. For the rest, the author does not attempt a full discussion of historical problems, though his chapters are well furnished with references to the sources, and he occasionally develops a suggestion of his own, e. g. that the much-veiled *tricesima sabbata* is to be identified with the Day of Atonement. We think none the worse of him for speaking of Christianity as 'heterodox Judaism' or 'the scheme of salvation prepared by the Cilician Jew Paul': but we can hardly endorse the *obiter dictum* that 'during the fifth century B. C. it is doubtful whether even the faintest whisper had reached Greeks that told of the race of Italic barbarians destined so soon to dominate the world'. As Mr. Radin has some interesting things to say of the Jews in Egypt, it is disappointing to find but little use made of the Elephantine papyri, which might have been employed to give life to the picture.

H. S. J.

Mr. G. A. Harrer's *Studies in the History of the Roman Province of Syria* (Princeton: University Press, 1915) form one of the painstaking and accurate epigraphic monographs to which American students are fond of devoting their energies. The book deals in the main with the governors of the province from the fall of Nero to the period of Diocletian, and is based on an exhaustive study of the sources. Sidelights are also thrown on the history of the period which justify the expenditure of so much labour on minutiae. For example, the rebellion of Pescennius Niger is shown to have been suppressed by Septimius Severus about a year before the date usually accepted, and (incidentally) Domaszewski's theory of the complicity of various governors in the eastern provinces in the conspiracy against Commodus is effectively criticized. The line of proof adopted seems convincing, though there may be details in which we disagree; e. g. Mr. Harrer follows Mr. Stout in making Fabius Cilo governor of Galatia *after* his consulship in A. D. 193, which is most unlikely.

H. S. J.

The indefatigable Professor N. Jorga of Bucharest has produced, at an appropriate moment, a book in two volumes entitled *Histoire des Roumains de Transylvanie et de Hongrie* (Bucarest: Joseph Göbl Successeurs, 1915-16). Like Xénopol, he refutes the theory of Roesler, based upon a well-known passage of Vopiscus, that Aurelian permanently transported across the Danube the Roman population of what is now Transylvania, and that consequently the Hungarians, when they occupied that country much later, found it destitute of any Rumanian element. According to this theory, the present Rumanian inhabitants of Transylvania are the descendants of emigrants who entered the country after both the Hungarians and the Saxons. Politically the question is unimportant, because the Rumanians are admittedly the largest section of the population; but historically it will doubtless continue to be hotly debated between the representative writers of the two hostile races, especially as Transylvanian history is almost a blank till the twelfth century. The documents of the following century, however, allude to the Rumanians of Transylvania, who in yet another hundred years received favourable treatment and a new organization from the Angevin dynasty. But there happened in Transylvania what happened in Bosnia: the nobles embraced the religion of their conquerors, with whom they became identified. The peasants thus lost their national leaders, and even when a Rumanian prince, Michael the Brave of Wallachia, conquered Transylvania in 1599, he endeavoured to conciliate the Hungarian nobles rather than the Rumanian peasantry. Thus, when, in 1699, the country passed under the direct authority of Austria, a contemporary describes its Rumanian inhabitants as 'a nation of peasants and shepherds'. The Banat of Temesvár, however, seems to have preserved many of the old Rumanian families. The second volume, which covers the period from 1685 to the present day, describes the formation of the Rumanian Uniate Church, of which Micu was the greatest figure; Joseph II's abolition of serfdom; the *Jacquerie* under the leadership of Horea in 1784; and the revolt of 1848, when the Rumanians of Transylvania, whose existence as a people Kossuth had

denied, fought on the side of Austria against their Hungarian oppressors and received the usual reward which Austria gives to those nationalities which help her—ingratitude. It describes, too, the influence of those Rumanians who had studied in Rome within sight of Trajan's Column, the literary and journalistic development of Transylvania, and the educational debt of the two Rumanian principalities to the professors from beyond the mountains between 1822 and 1848.

W. M.

The Rev. T. Taylor's book on *The Celtic Christianity of Cornwall* (London: Longmans, 1916) will be read with interest by lovers of Celtic antiquities, but we must honestly say that it does not add much to previous knowledge of the subject. That is not the author's fault, because the materials on which our knowledge is built are extremely limited. They are summarized in Haddan and Stubbs, *Councils and Ecclesiastical Documents*, vol. i, pp. 157, 162-3, 670-704. The Cornish *Vitae Sanctorum* are extremely late, and more than usually unhistorical; and the same may be said of the scanty literary remains in the ancient Cornish language. What, then, has Mr. Taylor added to our knowledge? He has unearthed from a fifteenth-century life of St. Petrock a sixth-century Cornish bishop, Wethnoc (Guethnoc), who occupied a cell. His existence is interesting as confirming the conclusion that the early Cornish episcopate, like that of other Celtic churches, was monastic and not diocesan (p. 98). Another inference, that Cornish parishes were older than English parishes (p. 54), seems to rest on no substantial ground. Where there were no dioceses it is not likely that there were parishes. On pp. 56-7 we have short accounts of the paschal table and tonsure controversies, on the supposition that as such controversies prevailed in other parts of the Celtic church they must have prevailed in Cornwall. This is probable. But if this principle is to be allowed, a history might be written about the early Manx church, of which there is no record except such as may be derived from the toponomy, or the 'toponomastic' as Mr. Taylor strangely calls it (p. 56), of the Isle of Man. Lastly, a word as to style. Long sentences such as that beginning on p. 11, line 17, ought to be cut up. They have a tendency, like the sentence beginning on p. 48, l. 13, to become ungrammatical; and who is St. Martin, the founder of churches in Ossory (p. 111)? why not add 'reputed'?

F. E. W.

If thick paper, wide margins, large print, and a readable style sufficed to make a good book, the volume entitled *Promotion of Learning in India during Muhammadan Rule* (by Muhammadans), by Mr. Narendra Nath Law¹ (London: Longmans, 1916), might take rank as a work of unusual excellence. But a treatise with a title so serious needs something more, and that something is lacking. Mr. Henry Beveridge, the well-known Persian scholar, who contributes a 'foreword', certifies that Mr. Law's compilation is 'a substantial contribution to the history of India'. We wish we could agree with the indulgent critic on that point, as we agree heartily with his expression of pleasure at seeing Indian gentlemen taking an interest in the history of their country. Mr. Law himself has published *Studies in Ancient Hindu Polity*, a

¹ For a work by the same author with almost the same title, see *ante*, p. 347.

work of considerable merit, noticed in this Review for October, 1914. The subject then treated was within the range of the author's first-hand knowledge and congenial studies. Now, in dealing with Muhammadan history, Mr. Law has plunged into a subject of which his knowledge is superficial. His book does not contribute anything of value to Indian history. It is in substance little more than a catalogue of theological colleges, founded and of more or less learned men patronized by Muslim sovereigns who have ruled over Indian kingdoms at various times. Nobody needs to be reminded that as a rule Muhammadan kings have been eager to do something both for the faith and for the benefit of their own souls by showing favour to men learned in Koranic law, and that also they have usually taken pleasure in the flatteries and verbal gymnastics of so-called 'poets'. Even Akbar, who did not like the fraternity, allowed 'thousands of poets' to attend his court, out of whom fifty-nine 'had the honour of being presented to His Imperial Majesty'. The two real poets of the age, Tulsi Das and Sūr Das, never 'had the honour'. Mr. Law denies the well-established fact that Akbar, like many other great princes, was illiterate, ignorant of the alphabet, and unable to sign his own name. That fact is absolutely certain, and if Mr. Law were better versed in the authorities, including Abul Fazl, he would not be sceptical on the subject. He fails to realize the degree of intimacy between Akbar and the Jesuits of both the first and third missions which existed, and to appreciate the exceptional claim to credit rightly advanced on behalf of both Father Monserrate and Father Jerome Xavier. The former learned priest was tutor to Prince Murād and in constant confidential communication with the emperor, whom he testifies to have been 'absolutely ignorant of both reading and writing' (*legendi scribendique prorsus ignarus*). The Latin *Commentarius* of Monserrate, as edited by Father Hosten, S.J., from which that quotation comes (p. 643), is an original authority of the highest value, long lost, and rediscovered a few years ago in a Calcutta library. The assertion of the Jesuit author that he wrote 'with care and accuracy' (*diligenter et accurate*) is amply justified by the contents of his book.

V. A. S.

The Voyages of the Norsemen to America, by Professor W. Hovgaard (New York: American-Scandinavian Foundation, 1915), is a useful contribution to a subject which will inevitably attract renewed attention from time to time, in spite of the difficulty of making any real advance in the discussion of the problems it presents. Professor Hovgaard's title is a little unfortunate, as the use of 'Norsemen' (in spite of the explanation given on p. xx) tends to suggest that the expeditions to the American coast had their origin in Norway, whereas they were entirely carried out by Icelanders either resident in, or setting out from, Greenland. This fact, which is made quite clear in the book itself, has an important bearing on the value of the evidence, and should not be obscured by the use of a vague term. In other respects Professor Hovgaard's work may be thoroughly recommended as an impartial, and in some respects independent, presentation of an interesting subject. The first four chapters are of an introductory character, dealing with Iceland and the early

history and life of the Icelanders, Greenland and the Old Norse (i. e. Icelandic) settlements there, and the ships and navigation of the Norsemen. These chapters not only give what is necessary to put the subject in its proper setting, but are of value as a general survey of Scandinavian activities in the North Atlantic during four or five centuries. The various accounts of the Wineland voyages are then summarized and compared, with the result that Professor Hovgaard is not prepared to discard completely the Flatey Book version in favour of that given in the separate saga of Eirik the Red. He contends, probably with reason, that there are genuine elements in both versions, in spite of their irreconcilable discrepancies. These differences are not surprising when it is considered that rival versions were evidently given by the voyagers and explorers themselves, and that the details had to be transmitted for several generations by persons who had no knowledge of the regions described. Professor Hovgaard, however, has no doubt that the accounts have an historical basis, and unhesitatingly rejects Nansen's attempt to reduce them to mere fiction. The later chapters are devoted to an account of the American coast from Baffin's Land to Cape Cod, with a view to identifying the points specified in the sagas. The net result of the comparison is that no set of localities will exactly fit all the requirements, but the solutions of Professor Hovgaard have as much likelihood on their side as those proposed by previous writers. Considering the vagueness and the serious variations of the original accounts it seems improbable that any final certainty can be attained. The author's views are made clearer by several maps, and the volume is liberally provided with illustrations of various kinds, especially with views of the coasts of Labrador and Newfoundland. Altogether the work will certainly take its place beside those of Gustav Storm and Arthur Reeves as a careful and critical investigation of the Wineland story.

W. A. C.

With the appearance of vol. xvi (1374-7) of the *Calendar of Patent Rolls of Edward III* (London: H. M. Stationery Office, 1916) this valuable series is completed. Mr. Dawes, who was associated with Mr. Isaacson in the preparation of some of the preceding volumes, has done all the abstracting for this, in addition to compiling the index. In one point the latter marks a slight advance upon its predecessors. The long lists of names of alien priories, castles, forests, &c., collected by way of cross-reference are now printed in double column, and a certain amount of space that was previously wasted is thus saved. A careful scrutiny reveals little that calls for criticism. 'Sabaudia, Peter de' should have been cross-referenced under Savoy; the reference under 'Edward III' to 'Household' given in the last volume has been accidentally omitted; and it is perhaps not wholly logical to enter the King's Chamber under 'Household' and to index the Wardrobe separately. It would have been better to have indexed both under 'Household', with a cross-reference in each case.

J. T.

The Tudor Privy Council, by Miss Dorothy M. Gladish (Retford: Printed at the office of the Retford, Gainsborough, and Worksop Times, 1915); is a useful and thorough piece of work on a difficult and important subject.

It contains sections on the privy council of each of the Tudor sovereigns, on the officials and meetings of the council, on its judicial and administrative work, and on its relations with the sovereign, with parliament, and with subordinate bodies, courts, and commissions. The concluding section on the official records of the privy council and the appendix on Tudor privy councillors are of special interest to students of the Tudor period. The best chapter of the book is, perhaps, that on the privy council and its work; this is an excellent summary of the multifarious duties of a body which might be concerned on one day with preparations against invasion, and on another might have to issue a licence for exporting a cargo of old shoes. The author certainly proves her conclusion that 'a study of the records of the council, however superficial, confirms still more strongly the conviction that England and the English people owe more to consiliar (*sic*) government under the Tudors than they will ever realize'. It is regrettable, however, that the printing of the book is not equal to the care bestowed on its composition; the long list of errata is very far from being exhaustive.

C. A. J. S.

The National History of France (London: Heinemann, 1916), edited by M. Fr. Funck-Brentano, with an introduction to the English translation by Mr. J. E. C. Bodley, is designed for popular perusal. It is to consist of six volumes, of which one is to suffice for the middle ages, while the volume before us, by M. Louis Batiffol, deals with 'The Century of the Renaissance'. Mr. Bodley recommends it as a means of understanding literary allusions rather than history, and of acquiring an easy sense of familiarity with the names recurrent in our daily newspapers; but his introduction will hardly commend it to the serious student. He tells us, for instance (p. vi), that 'the stately collegiate church of Saint Quentin witnessed the deadly assault when Coligny and his Huguenots were overcome, and Philip II of Spain vowed to build the Escorial in gridiron shape, in honour of the martyrdom of St. Lawrence, under whose invocation the Catholics won the day'. St. Quentin was fought on 10 August 1557, before there were any people called Huguenots at all; the French commander was the Constable Montmorency, as good a catholic as Philip II himself; and the battle was a national conflict between France and Spain without a trace of religious animosity in it. Other remarks suggest that Mr. Bodley can hardly have read the pages he was introducing; otherwise he could scarcely have asserted that 'in the sixteenth century . . . there is no aspiration, no movement towards popular government' (p. xviii), or have dated 'the Age of Memoirs' from the reign of Louis XIII, in defiance of Brantôme, Monluc, La Noue, Tavannes, and a host of others. M. Batiffol is, of course, more familiar with the period, and his volume is a vigorous narrative with some interesting suggestions; but picturesque history commonly reveals indifference to accuracy in details that are not always unimportant, and M. Batiffol is distinctly casual in his treatment. He writes of a 'king of Spain' in the fifteenth century, and throughout of the 'Emperor of Germany'. He tells us the English did not advance in 1523, although they got nearer Paris than the Germans did in 1914. Henry VIII's policy from 1529 is attributed to an imaginary bribe from

Francis I and to nothing else. The war which broke out in 1543 is ascribed to 1544, and the battle of Mühlberg (1547) to 1546. Henry VIII is said to have given up Boulogne (p. 81), though in 1550 we are told it was still (as it was) in English possession (p. 135). In 1558, we read, the Dauphin was married 'to the only daughter of the King of Scotland, Mary Stuart, who came to live at the French Court' (p. 125), as if Mary had not been queen already for sixteen years and in France for ten. We are told that 'the Netherlands had already gone over to the new religion' in 1560 (p. 198), and that St. Bartholomew was ten years after the conference of Bayonne in 1565. The omissions are equally singular: there is no reference to the campaign which enabled Coligny to secure the Peace of St. Germain, to the siege of La Rochelle, or to the Fourth War of Religion; and Henry IV's struggle against Philip II is recounted without a single allusion to his allies the English and Dutch. The best chapter in the book is the last, which gives a rapid survey of French administration at the close of the century. The translation is not very expert; it is simply misleading to render *politiques* as 'politicians', *livres* as 'pounds' sterling, *baillis* as 'sheriffs', and to explain *maieurs* as 'a name given to mayors in the Middle Ages' (p. 397).

A. F. P.

Under the title of *Scandinavian Immigrants in New York, 1634-74* (Minneapolis, Minnesota: Holter, 1916), Professor J. O. Eujen has published a collection of biographical articles on Norwegian, Danish, and Swedish settlers in New Netherland. The work is based on researches extended through seven years.

H. E. E.

In volumes iv and v (series 8) of the Danish *Historisk Tidsskrift* (Copenhagen: Hagerup, 1912-15), the majority of the leading articles deal with questions of modern history, especially of the seventeenth and eighteenth centuries. The older subjects treated in vol. iv are 'Earl Rögnvald's voyage to Jerusalem', by F. Jónsson; 'Studies in Danish medieval book-collections', and a review of recent works relating to the history of the Normans in Southern Italy, by Ellen Jørgensen; and 'Contributions towards illustrating the relations between property and agriculture in the latter part of the sixteenth century', by Chr. Thorsen. Among the other articles in this volume are 'The turning-point in the Scanian war (1676)', by K. C. Rockstroh; 'The collision between the army and navy in the time of Christian V', by H. D. Lind; and 'Contributions to the history of Denmark in 1772-84', by L. Koch. A supplementary part, issued in commemoration of Professor E. Holm's eightieth birthday, contains fifteen articles by well-known historians, chiefly on points of recent history and politics. In vol. v Miss Jørgensen has an article on 'Scandinavians at the university of Paris from the beginning of the thirteenth to the middle of the fifteenth century', and Kr. Erslev writes on naval levies (*leding og ledingskat*) in the thirteenth century. The chief articles relating to modern times are two on the question of the Slesvig succession in the seventeenth century, by Kr. Erslev and P. Lauridsen, which serve to illustrate the difficulty of any agreement between writers on this thorny subject; 'Griffenfeld and our naval preparations, 1675-6', by H. D. Lind; 'The first organization of the Danish and

Norwegian consular system', by K. M. Widding; 'The candidature of Frederik Christian of Augustenburg for the succession to the Swedish throne', by H. Hjelholt; 'The Duke of Glücksbjerg', by Axel Hansen; and 'C. N. David's memoirs for the years 1863-5', by Aage Friis. The usual lists of historical literature relating to Denmark contained in these two volumes are those for 1911, 1912, and 1913, all three compiled by A. Krarup. W. A. C.

Mr. L. S. Mayo has written a biography of *Jeffrey Amherst* (New York: Longmans, 1916). Amherst was a man of no little importance in his day; so that a life of him might seem well justified. On the other hand, it is impossible to make bricks without straw; and, though the book has been written with the approval and encouragement of the present Lord Amherst, it contains no private letters nor anything which differentiates it from an ordinary history. Moreover it covers, for the most part, very familiar ground, that has been trodden by more than one distinguished historian. No fresh light is thrown on the subject of Amherst's delay in 1759 (Mr. Mayo might have noted the remark of General Gage to Sir William Johnson, reported by the latter in his diary under 8 September, that General Amherst had missed the opportunity of favouring General Wolfe). High authorities have thought well of Amherst's military abilities; otherwise the uninitiated might surmise that he was a mediocre man who was favoured by fortune in his constant playing for safety. Had Murray's army not survived St. Foye, one wonders what would have been the verdict of history on Amherst. In any case, after the Seven Years' war, he never again distinguished himself; and the spectacle of a general, in the public pay, picking and choosing in what capacities he should serve did not make for edification. Of the style of the book we may judge from the fact that the word 'disgruntled' occurs no less than three times; and invidious comparisons between Amherst and Wolfe, at the expense of the latter, do not lead to a more favourable judgement. It is only fair, however, to add that the work shows evidence of the careful use of numerous authorities. H. E. E.

The fact that no separate work seems to have been published on the history of the American Revolution in the old Dominion sufficiently justifies the appearance of Dr. H. J. Eckenrode's careful and learned monograph on *The Revolution in Virginia* (Boston: Houghton Mifflin Co., 1916). The book 'is chiefly based on the original sources of information in the Archives Department of the Virginia State Library', but it must be confessed that the conclusions reached are generally fairly familiar. The most valuable chapters are, perhaps, those on 'the County Committees' and 'The Convention and Committee of Safety', and the weakest those dealing with military operations. Dr. Eckenrode is usually very fair and impartial; but it is begging the question to write: 'The plea of levying a tax on America for Colonial defense should not blind us to the obvious intention of the British Government also to milk the fat American cow for its own benefit.' In one place we are told that 'there seems no reason why a man so audacious, determined and masterful as

Patrick Henry should not have made a successful brigade-commander. Politics and war have much in common'; in another we read that 'Jefferson was a shrewd and successful practical politician and political leader, but he was anything but a good administrator. In agitation the doctrinaire need not be a man of action, for doctrinaires keep the world alive, but in war, which is the conflict of brute force, the man of action is demanded.' The two assertions require explanation not to be contradictory. The privy council, when appealed to in the fee dispute over grants of land, did not, as is here stated, simply allow the burgesses to have their own way. They formally decided against the contention of the House of Burgesses; whilst they added 'that it may be advisable . . . to prepare a letter to the governor of Virginia to regulate his conduct with regard to his taking the fee of a pistole'. It is confusing to write that 'in 1764 they had been appalled by the Declaratory Act preceding the Stamp Act, which laid down the doctrine of the parliamentary right of taxing the colonies'. What seems to be meant is the statement in the preamble of the Sugar Act of 1764. The Declaratory Act, as is well known, accompanied, two years later, the repeal of the Stamp Act.

H. E. E.

The origins of a political party form an interesting inquiry. Party divisions, once formed, gain a force from habit, association, organization, misunderstanding, and pugnacity, which helps to preserve them even when they cease to represent a division of ideas and larger interests. Particularly interesting is it to trace the rise of a political grouping in a new country with new and experimental institutions. The object of Professor Charles A. Beard's book on *Economic Origins of Jeffersonian Democracy* (New York: Macmillan, 1915) is to emphasize the importance of a division of economic interests in the foundation of American parties. Doubtless both economic and political causes existed, but the originality of Professor Beard's work lies in the shifting of the balance of importance from one to the other. The struggle over the constitution, he contends, was economic rather than political in character, and the division of opinion ran along the line of the interests affected—the capitalist classes, the holders of debt, and the merchants being for the constitution, and the agrarian classes opposing it. When the constitution had been accepted and the machinery of the new government was being installed, he argues that Hamilton tried to get the support of the financial, commercial, and manufacturing classes for the government in return for a policy that advanced their interests. The assumption of the state debts, the foundation of a national bank, and the tariff were all designed for the advantage of the capitalist class. The argument seems at times to be pushed too far. Hamilton's policy was doubtless carried with the help of the capitalist class, but the policy of an agricultural country, such as the United States was in 1789, could not have been safely based on what were relatively the weaker economic interests; and the greatness of Hamilton lay in the constructive imagination which framed a national policy, as well as in the political skill with which it was brought into operation. And the fact that the republicans, when they gained power in 1800, accepted in its main outlines

the federalist policy is too important to argue only the difficulty of overthrowing the capitalistic interests which Hamilton had built up. Experience vindicated the federalist policy. 'Jeffersonian Democracy', writes Professor Beard in the concluding sentence of this very able and interesting book, 'simply meant the possession of the federal government by the agrarian masses led by an aristocracy of slave-owning planters, and the theoretical repudiation of the right to use the government for the benefit of any capitalist groups, fiscal, banking, or manufacturing.' But even if this were stated more strongly,—and it well might have been, for the democratic repudiation of federalist policy was sometimes more than theoretical,—it would still be a tame conclusion to a book whose main theses are that the division of parties was economic, and the federalist policy a class policy.

E. A. B.

It is strange that David Thompson's *Narrative of his Explorations in Western America, 1784-1812*, which has now been edited by Mr. J. B. Tyrrell (Toronto: The Champlain Society, 1916), should have so long remained unpublished. Apart from the scientific value of its account of the Indian tribes of Western America, and of the animal life and geography of the great north-western plains and the Rocky Mountains, as to which it must be a very high authority for its period, the narrative itself, simple, clear, intelligent, the record of a whole life spent in close touch with nature and with primitive peoples, is of singular interest, and ranks high amongst stories of travel. David Thompson was one of those builders of empire to whom fell the work without the fame, and whose achievements posterity has been slow to discover. His name does not even appear in the *Dictionary of National Biography*. Happily the Champlain Society has rescued his *Narrative* from oblivion, and Mr. Tyrrell has edited it 'with the hope that it may assist in confirming David Thompson in his rightful place as one of the greatest geographers of the world'. Thompson was born in 1770, educated at the Grey Coat School, Westminster, and apprenticed at the age of fourteen to the Hudson's Bay Company. He spent thirteen years in their service, and then passed into the North-West Company of Canada, first as an employé, then as a partner, whose 'liberal and public spirit' he contrasts with the 'mean selfish policy' of the Hudson's Bay Company, who did so little to extend a knowledge of the country under their control, and that little only on the pressure of the British government. In 1813-14 he produced for the North-West Company his great work, his 'Map of the North-West Territory of the Province of Canada', on a scale of about fifteen miles to the inch, based on the observations and surveys he had made during the preceding twenty-three years. This map, as well as a number of Thompson's drawings, is reproduced in the present volume. From 1816 to 1826 Thompson was employed by the home government on the survey of the boundary line between Canada and the United States. He did other work of a similar kind, and then retired to Williamstown, Ontario, and afterwards to Longueuil, opposite Montreal. His 'Narrative' was written when he was past the age of seventy, but his note-books and his memory served him in good stead, and it retains the freshness and vigour of a contem-

porary story. He died in 1857, his closing years having been spent in extreme poverty, and his grave is unmarked. His retiring disposition, the lack of interest in Western Canada during his lifetime, and the policy of the Hudson's Bay Company (which was amalgamated with the North-West Company in 1821) to discourage the settlement of Western Canada, denied him the fame to which his high character and life of untiring and valuable work entitled him. The volume is beautifully printed, and contains many illustrations, an introduction, itinerary and notes, chiefly of a scientific character.

E. A. B.

The first volume of Sir Adolphus William Ward's work on *Germany, 1815-1890* (Cambridge: at the University Press, 1916), more than maintains the high standard of the Cambridge Historical Series. Sir Adolphus Ward's knowledge of his subject is enormous and his equity and discrimination are no less remarkable than his knowledge. All personages of all parties receive a full measure of indulgence. Even Metternich appears in these pages a somewhat less implacable enemy of reform than in most histories. The strange meanderings of the clever and eccentric Frederick William IV are judged with the utmost lenity. No reader of this volume can say that the author holds a brief for any party or has any theory of national development to prove. Facts are always allowed to speak for themselves, and we find in a small compass an extraordinary number of facts. In the fullness of his own knowledge of German affairs the author has perhaps forgotten how meagre is the knowledge of most educated Englishmen. Some of his remarks concerning the German universities may sound obscure to them.

'To the obtrusive remains of the *Pennalismus* of earlier times had been added the narrow formalism of the *Landsmannschaften* (p. 153).'

'There was even some talk of re-establishing the University of Helmstedt, for ever associated with the great memory of Calixtus (p. 245).'

Because of this widespread ignorance, we regret that the Master of Peterhouse did not give us at the outset a chapter upon German society, government, and political ideas in the first half of the nineteenth century. He could have done it admirably and it would have been most helpful. The structure of society and the mutual relation of classes in Germany a hundred years ago were remote indeed from anything familiar to modern Englishmen. States in which the chiefs of the civil service, not party leaders, were the conspicuous public men, states in which public life meant office work, not parliamentary debate, few Englishmen can ever bring themselves to understand. Even the German revolutionists of that day were so academic as to transcend English sympathy. A few pages employed on these general topics would have enabled the Master's readers to follow with much more profit his narrative of political events. One or two slips may be corrected in the next edition. When we are told that the duke of Nassau's dominions amounted to a total of eighty-five square miles, it is clear that German miles are meant. 'Armada' (p. 226) for 'army' strikes us as inadmissible. 'Concept' (p. 309) for the draft of a will is puzzling to English people.

F. C. M.

As Dr. William R. Manning writes in the preface to his book on *Early Diplomatic Relations between the United States and Mexico* (Baltimore: The Johns Hopkins Press, 1916), more attention has been paid by students to the events that led on to the Texan revolution and the war of 1845 between the United States and Mexico than to the first diplomatic relations between the two countries. Yet the issues of the war have their beginning in the years that immediately followed the establishment of Mexican independence. The fundamental facts stood out at once. The United States considered that the protection afforded to Mexico by the Monroe Doctrine, and the example which the United States gave of federal and democratic institutions, which Mexico had copied, offered a good ground for the gratitude of her smaller neighbour, a gratitude which might well take the form of commercial and even territorial concessions. Mexico, conscious that the United States coveted Texas, and not at all disposed to surrender or sell that rich territory, inclined to think that a more disinterested protection and a no less valuable example of freedom were to be found on the other side of the Atlantic, and at first favoured the advances made by England. This is the central thread of the diplomatic history which Dr. Manning unravels in a series of lectures dealing with the establishment of permanent legations, and the negotiations in regard to the frontier, commercial questions and treaties, Cuba, and the Santa Fè trail. The book rests on a very extensive study of diplomatic documents, but it would have gained by a more concise and unified treatment.

E. A. B.

Un Demi-Siècle de Civilisation française, 1870-1915 (Paris: Hachette, 1916), is a collection of essays by expert scholars on the work accomplished by Frenchmen in science, art, politics, and literature since the Franco-Prussian war. France set herself to repair the ruins of 1870 and she has succeeded, and this volume sets forth, in no spirit of polemics or comparison with the work of other nations, the principal achievements of the men who have led the diverse activities of modern France. The student of recent history will find useful indications in the papers by M. Gérard on *L'Œuvre diplomatique*, by M. Chailley on *L'Effort colonial* which has given the Republic so great an overseas empire, and by M. Lecomte on *L'Éloquence parlementaire*. M. Langlois has contributed a brief review of the work done by French historians in this period, noting especially the thousands of monographs on texts and particular problems, and the provisional general histories which have replaced the *grandes synthèses personnelles* of poets like Michelet and philosophers like Taine. Renan he calls l' *'historien'* par excellence.

W. D. G.

If representative assemblies pass laws the people do not want, and do not pass the laws that the people do want, and if elected officials betray their trust, what is the remedy? One remedy is to institute direct popular government, to submit the laws passed by the assembly to a referendum, to supplement indirect by direct legislation through the initiative, and to subject the defaulting officials to the recall. This is the Oregon system of government, and it is carefully examined by Professor

James D. Barnett in *The Operation of the Initiative, Referendum, and Recall in Oregon* (New York : Macmillan, 1915). The book shows evidence of considerable labour, and was well worth writing, for though these democratic institutions have not been in operation long—the referendum and initiative since 1902, and the recall since 1908—they have been so much in use that there is already a considerable experience to go upon. This experience seems to show that, many as are the pitfalls in the way of direct legislation, and much as it complicates the machinery of government, it is workable, and in Oregon its results compare favourably with those of indirect legislation. What the future of direct democracy will be it is impossible to tell. It would perhaps be the happiest result if the existence of this alternative method of government operated to improve the character of indirect government so much that direct methods need seldom be applied, for it seems hard to believe that the two systems can flourish side by side. Yet that appears to be the conclusion from present experience. Professor Barnett's arrangement of his material is systematic and his treatment concise, and the student of political science will find much interesting matter in his pages. E. A. B.

Dr. G. W. Prothero's *German Opinion and German Policy before the War* (Royal Historical Society,¹ 1916) is a very useful and well-informed sketch of the growth of German ambitions and of the diplomatic antecedents of the war, developing the theory that 'recent events in south-eastern Europe . . . are not to be regarded, as some have regarded them, as "afterthoughts", or as the desperate efforts of a power thwarted in other directions' (Preface); they indicate, rather, 'the fundamental aim of German policy' (p. 84). 'The domination of the nearer and middle east was the essential object of their diplomacy and their gigantic military preparations.' It will be many years before the publication of archives will enable us to settle this question, and it is possible that no amount of evidence will provide a categorical answer. German policy has been the expression of diverse interests, and we find it difficult to believe that the domination of the Balkans and of Turkey was the fundamental object of Hamburg or East Prussia, of Herr Ballin or of Count Reventlow. To German shipping interests Morocco, the possession of which, as Dr. Prothero points out, would have enabled Germany to threaten our communications with South Africa and our trade with South America, was more than the Berlin to Baghdad route; the East Prussian is more intent on Poland and Courland; and Bavaria on direct access to the sea through Antwerp. 'Mittel-Europa' and its Asiatic extension appeals, no doubt, to central Germany, and might be a *via media* for its extremes. Further, a central power, bent on expansion, inevitably tends to follow the line of least resistance; and a Germany, flanked by Russia and France, and shut in by British sea-power, saw a natural outlet through a pliant Austria, a divided Balkans, and a decadent Turkish empire. But 'fundamental' is an epithet doubtfully applicable to one manifestation of a general force: if Germany went to the length

¹ Also reissued with some corrections by Mr. John Murray.

of an ultimatum over the Balkans in 1909, but not over Morocco, the ultimate reason is that she believed Russia would yield, but knew that France and Great Britain would not. Moreover, both in 1909 and 1914 the ultimatums were addressed to Russia and may be ascribed to fear of the Slav, which Dr. Prothero thinks was merely used as a bogey; and there are signs that Germany will in the last resort make a harder fight for Poland than for Belgium or Baghdad.

A. F. P.

Dr. Holland Rose has done useful work as a biographer of Pitt and of Napoleon, but we cannot say that his historical gifts are exhibited with much advantage in his lectures on *Nationality as a Factor in Modern History* (London: Rivingtons, 1916). For one thing, he fails to provide us with any clear idea of what he means by nationality.

It is (he says, pp. 152-3) an instinct, and cannot be exactly defined; it is the recognition as kinsmen of those who were deemed strangers; it is the apotheosis of the family feeling, and begets a resolve never again to separate; it leads to the founding of a polity on a natural basis, independent of a monarch or a state, though not in any sense hostile to them; it is more than a political contract; it is a union of hearts, once made, never unmade. These are the characteristics of Nationality in its highest form—a spiritual conception, unconquerable, indestructible.

A nationality which founds a polity on a natural basis independent of a state is a conception which, we confess, escapes our comprehension; and we lay down Dr. Rose's book with a sense of having failed to grasp his meaning. Its pages seem to us full of confusions and contradictions. Dante and Rousseau, no less than Fichte and Mazzini, are held up as prophets of the national idea, and Anacharsis Clootz is quoted as pointing the climax of the nationalism of the first French revolution. Israel, says Dr. Rose, 'is still a moral and religious unit, inspired by the most tenacious sense of kinship known to history' (p. 3), although he points out elsewhere that thousands of Jews are fighting on different sides in this war; while French, German, and Italian Swiss are also claimed as one nation because they remain at peace. Yet 'nations make states, not states nations' (p. 148). In Germany 'the socialists are often little more than upholders of individual liberty' (p. 195), though the next sentence runs, 'During the first seven or eight years of his reign William II sought to appease them by measures known as state socialism'. German socialists are lectured for their 'treason' to internationalism, but 'the genius of the Latin and Slav peoples was quick to discern the truth that, in August, 1914, the patriotic principle, which many of them had consistently derided, formed the only possible basis of action during the war' (p. 204). Nevertheless, 'Nationalism shows signs of having exhausted its strength except among the most backward peoples' (p. 207). Dr. Rose's 'nationality' is a very tangled skein of wool. He might have helped his readers and perhaps himself to greater clarity, had he limited his lectures to the crucial instances which he ignores. How does the 'union of hearts, once made, never unmade', explain the *Gross-Deutsch* and *Klein-Deutsch* controversy, or the formation of an independent United States of America?

W.

That the *Statesman's Year-Book* for 1916 (London : Macmillan) should have been late in making its appearance will cause no surprise. The editor has done his best to supply the most recent statistics, but necessarily, in many instances, 'the latest officially published information' is in present circumstances already obsolete at the time of its publication. Still there is much that is new and of great present interest in the tables prefixed to the volume. It may be noticed that the names of rulers are sometimes given in their native form, sometimes in English : in an English book Charles the Great looks strange under the modern German guise of 'Karl der Grosse'. On p. 1259 the sees of the cardinal bishops of Porto and Albano are omitted. X.

Vol. ii, part i of the *Catalogue of the Manuscripts in European Languages belonging to the Library of the India Office* contains an admirable description of *The Orme Collection* by Mr. S. C. Hill. The analyses are just what is wanted, giving everything necessary to guide searchers to particular points of interest. The only improvement that can be suggested is that it would have been better, by some simple sign, to state exactly which have been printed, instead of saying (as on p. 314) 'many of these letters have been printed', &c. Among matter that must be considered in future histories and biographies are the notes proving that Clive so little understood the importance of Arcot that he nearly abandoned it (letters of 6 September and 15 September 1751). The Orme collection was made by the historian for the purposes of his history and he probably desired to print a volume or more of *pièces justificatives*, but as his impartiality had not pleased the principal actors, and the subject of India was becoming unpopular (Mr. Hill says 'repellent'), the book itself was not proceeded with. Orme in fact was too sober to write a contemporary history to be read by contemporaries, and he condemned himself to Lethe when he said, 'I write to write truth and not to flourish periods'. He may sometimes be contradicted by his own documents, but that does not always prove him to be wrong. He tried to write like Thucydides, and Mr. Hill humorously suggests he 'would have been at least as popular' in schools if his subject were studied there. W. H. H.

CORRIGENDA IN THE JULY NUMBER.

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|-------------------|--|
| p. 381 note 6. | For <i>Scriptores</i> , i read <i>Scriptores</i> , ii. |
| p. 425 line 12. | For Galloway read Galway. |
| p. 499 line 19. | For 1590 read 1580. |
| line 5 from foot. | For Colet read Cobet. |

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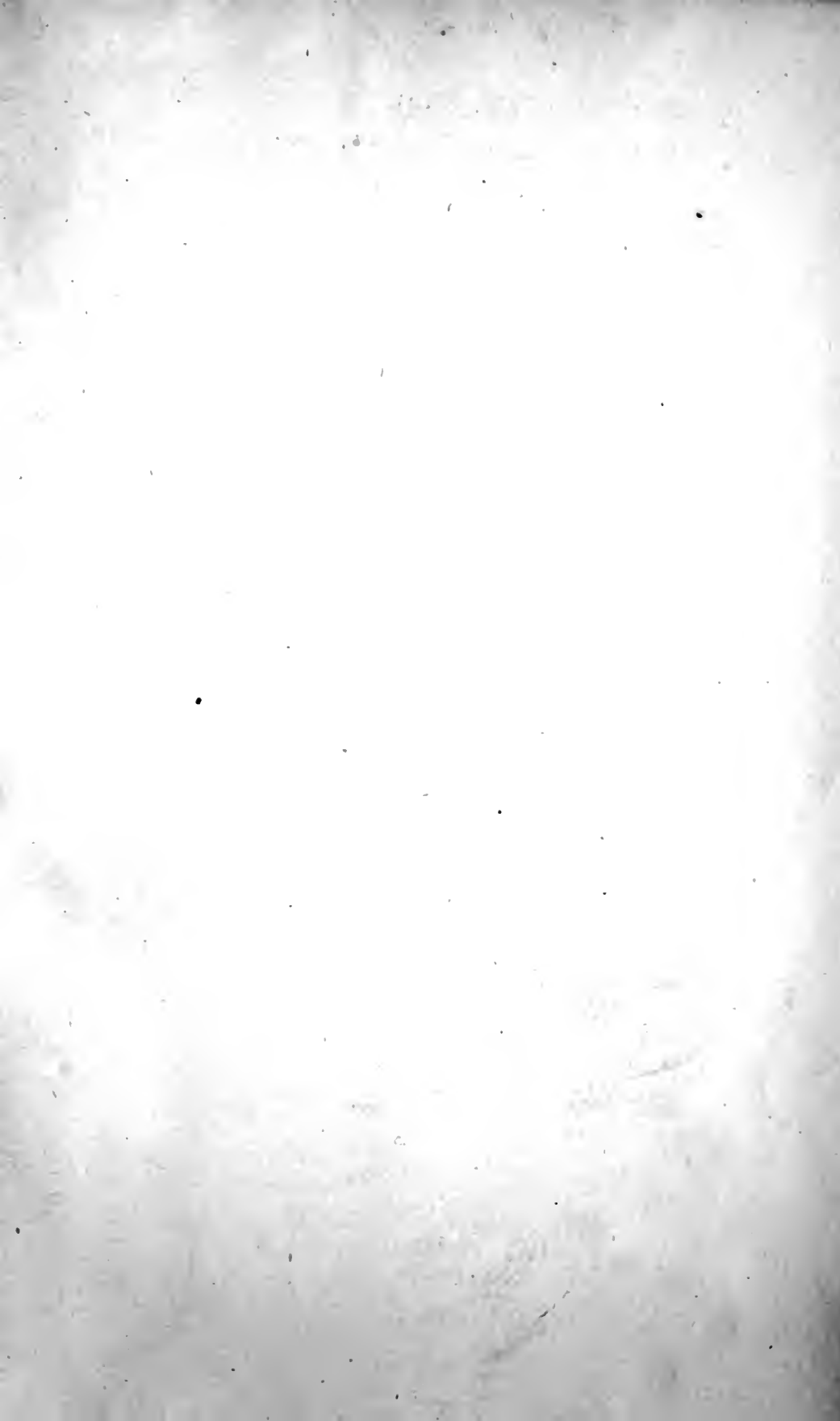
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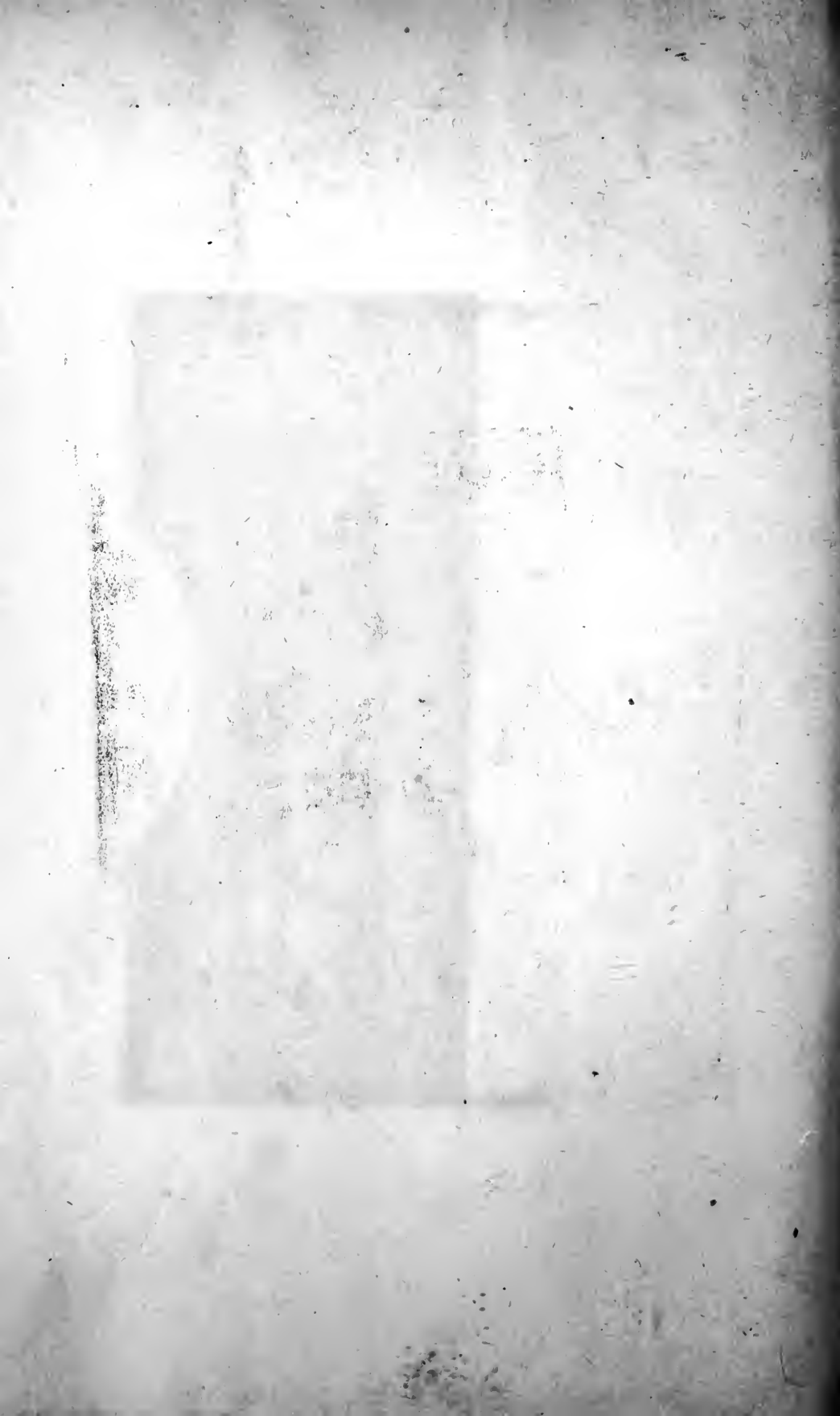
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